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June '98 Ballot Book

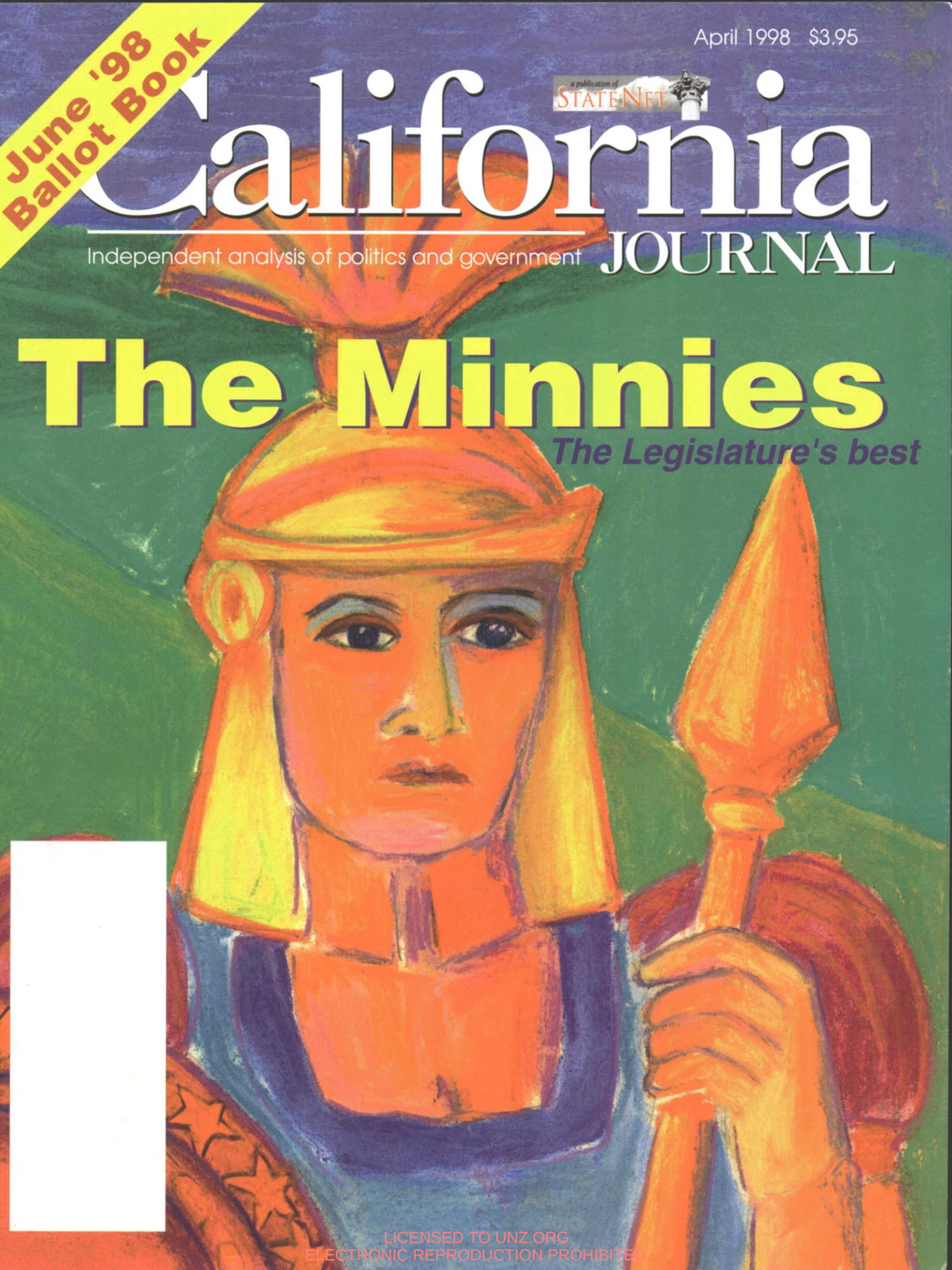
a publication of STATENET

California JOURNAL

Independent analysis of politics and government

The Minnies

The Legislature's best



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April 1998
VOLUME XXIX, NUMBER 4

California JOURNAL

STATENET publications

Independent analysis of politics and government

6 The Minnies

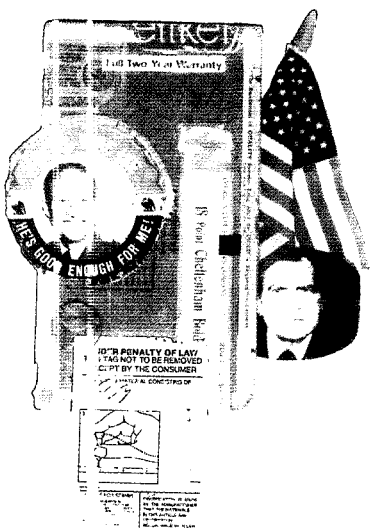
Who are the Legislature's brightest members? Who works the hardest? Who are the problem-solvers and who are the obstructionists? Who has the most integrity? Who are the most ambitious? Who is the Legislature's most outstanding member? Who is Rookie-of-the-Year? *California Journal's* biennial survey supplies the answers.

By A.G. Block

18 Abortion doctors

Abortion is both a political cause and a legal medical procedure. The cause has no shortage of activists on both sides. But the number of doctors willing — or able — to perform the medical procedure is shrinking, with potentially troubling consequences for women.

By Sigrid Bathen



28 Campaign ethics

The general public probably thinks the phrase "campaign ethics" is an oxymoron and, in some cases, they may be right. Are there consequences in this attitude? Is the health of the democracy at stake? Or does it matter at all?

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California Journal's analyses of all nine measures slated for the June primary ballot, including battles over bilingual education, labor union political activity and school budgeting.

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Pastel by Dagmar Thompson

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Upfront
umbrage

Transitions. The last leadership "lame duck" moved aside this past month, as Antonio Villaraigosa (D-Los Angeles) was sworn in as the new Assembly speaker. The "vibe" at his induction was decidedly different from the February ceremony which installed Senate President pro Tempore John Burton (D-San Francisco). For one thing, it's the first time anyone can recall that the judge administering the oath had given a speech. Villaraigosa's own lengthy speech was vastly different from that delivered a few weeks ago by John Burton at his induction. Where Burton's was chummy and packed with inside jokes, Villaraigosa's was studied and packed with airy platitudes. Then there was the Mariachi band that played at the reception which followed in the Capitol Rotunda. You haven't lived until you've heard the Mariachi take on "My Way." Of course, all was not smooth. Some of Villaraigosa's members were irked at seeing gubernatorial hopeful Al Checchi sitting at one of the members' desks on the floor. Seems the Northwest Airlines former chief, who is Villaraigosa's choice for the top job, was escorted from the back of the chamber to a seat on the floor. Such floor access is normally only accorded current and former members and the occasional visiting potentate. Maybe he qualifies under the "potentate" category.

Watch this space. As with any statistical streak, many are wondering how long the string of consecutive Latino speakers — currently standing at two — will last. While no one (except, perhaps Shirley MacLaine) can see the future, here's something to chew on. According to Senator Richard Polanco (D-Los Angeles), who makes it his business to know about these things, there are as many as four million mostly Latino immigrants "in the pipeline" to be naturalized between now and the year 2000. That is on top of the roughly 1.2 million that have been naturalized since 1991. The only impediments keeping those new citizens from being up for grabs as voters, says Polanco, are logistical. Specifically, can the Immigration and Naturalization Service process them all? If Polanco's numbers are accurate, is it any wonder why the GOP has held two "Latino Summits" in the past year? And is it any wonder why Polanco was beaming and backslapping like the father of the bride at Villaraigosa's swearing-in session?

Learning curve. From the looks of things, the FBI has a somewhat novel take on the California Legislature: Corrupt ... and *dangerous.* The bureau's new special agent for the Sacramento area, James Maddock, proclaimed on his arrival that the California Legislature was a top investigative priority. Sometime thereafter, two of his corruption-busting plain-clothes agents tried to discreetly make their way to the visitor's gallery in the Senate. But they ran into a little problem when they arrived at the chamber door. They still had their guns on them. Guess they thought there was some crack dealing going on up there. Anyway, since there's a metal detector at the entrance, they were forced to show their bureau I.D.s to the sergeant at the door. The agents had to check their weapons before going onward. So much for inconspicuousness. Of course, the FBI's grand re-entrance into the world of Capitol corruption busting hasn't exactly been heroic. This is the gang which does its interviewing by alphabetical order and gets its tips from a Jenny Jones-style 800 number ("Are you a state legislator taking cash bribes from a cross-dressing lobbyist? Call us!"). This is not to trivialize political corruption. If someone's dirty, it's in all of our interest to have them rooted out and booted out. But maybe things would go a little better if they brought in someone who had a passing knowledge of the institution.

"Making policy means making decisions."
— Harry S. Truman

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Independent analysis of politics and government

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3 ways pharmaceuticals are ganging up against healthcare costs.

$600-million/yr. potential savings with a blood thinning drug which can prevent 40,000 strokes/yr. associated with atrial fibulation.

Source: Port Study, AHCPR

$23,000 saved per yr. per patient with a schizophrenia drug which allows for outpatient treatment.

Source: American Psychiatry, 1993

$1-billion/yr. potential savings with ACE inhibitors which can prevent one-third of hospitalizations due to heart failure.

Source: SOLVD Study, 1991

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Illustration by Dagmar Thompson

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MINNIES

California Journal *identifies the Legislature's best and brightest.*

BY A.G. BLOCK

"HOW DO YOU KNOW WHO IS A GOOD LEGISLATOR?"

In March 1990, then-editor Richard Zeiger introduced *California Journal's* ranking of legislators with the above question. Our aim was to identify the Legislature's best members and, as Zeiger explained, "There is no perfect measure and precious few guideposts." We believed at the time, and believe today, that an informed citizenry needs as many tools as possible when it comes to evaluating its elected representatives. We provided one of those tools: a ranking of each member of the Senate and Assembly based on results of an exhaustive questionnaire sent to more than 1500 members of the Capitol community — lawmakers, lobbyists, legislative staff, administration officials and the press corps.

The rankings — dubbed "the Minnies" after the goddess Minerva who appears on the state seal — quickly became a Capitol happening, and fodder for legislative campaigns across the state. We issued them in 1990, 1992, 1994 and 1996 — with each version based on new questionnaires designed to evauate legislative performance over the previous two years.

Now comes 1998 and a new set of Minnies, accompanied by a different method for

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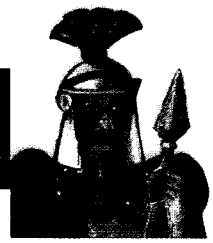
determining the Legislature's most talented members. The first thing a reader will notice about the 1998 version is the absence of rankings. For a variety of reasons, the time had come to abandon the lengthy and time-consuming survey upon which those rankings had been based and to step out from behind the veneer of scientific accuracy afforded by numerical scores assigned to each legislator. We have not attempted to rank every member but to identify those who rose to the top. In several critical areas, we also identify those who sank to the bottom.

The task of evaluating lawmakers is not easy. Legislators are required to perform a complex array of duties, from placating grumpy constituents to mastering the nuances of state finance. At the very least, they must master the art of getting elected, which some would argue is the only true measure of a politician's success.

But there are other measures. In 1990, *Journal* editors attempted to provide one based on its questionnaire. We asked recipients to score each member of the Legislature in seven categories we believed to be essential to a

LEGISLATOR OF THE YEAR



Senator Bill Lockyer

(D-Hayward)
President pro Tempore (1994-1998)

Although this is the fifth time *California Journal* has sought to identify the Legislature's best and brightest, we have never singled out one legislator as having stood above the crowd. We begin that new tradition here, with our selection based on the years 1996 to 1998. Although many lawmakers performed admirably during the past few years, if one examines the criteria we believe are essential for a good legislator — intelligence, integrity, likeability, a penchant for hard work, the ability and willingness to reach solutions to problems, influence among colleagues — the choice is so obvious as to be no choice at all: William Lockyer, Democrat from Hayward, president pro tempore of the Senate for most of that time, the perfect marriage of political junkie and political junkie's job. While pro tem, he was California's most powerful legislator. More than power, he was the lawmaker who brought a semblance of order to a legislative process made chaotic and unpredictable by a dysfunctional, squabbling Assembly.

Term limits made Bill Lockyer the Legislature's chief poobah. It also destroyed his legislative career. It made him by removing his predecessor — then-President pro Tempore David Roberti (D-Van Nuys) — from the Senate back in 1994, and by casting the Assembly into disarray, which in turn enhanced the power of the Senate. It destroyed his career because he, like Roberti before him, is termed out in 1998 and thus was forced to pass the pro tem's baton to San Francisco Democrat John Burton in February (see *CJ*, March 1998). Lockyer, 57, has spent most of his professional life in politics, beginning as an Assembly aide and school-board member in Alameda County before being elected an assemblyman (1973 to 1982). He was elected to the Senate in 1982.

RUNNER-UP

Senator Jim Brulte

(R-Rancho Cucamonga)

James L. Brulte arrived in the Senate in 1996 after an Assembly career that saw him guide his party to majority status for the first time in two decades. It was Brulte, as Assembly Republican leader, who engineered the GOP's stunning 1994 electoral successes. But it also was Brulte who failed to translate that success into a speakership when he was outmaneuvered by longtime speaker, Democrat Willie L. Brown Jr. (see *CJ*, February 1995). When a Republican eventually did become speaker, the honor fell to someone else, the time having passed for Brulte, who faced term limits. He moved to the Senate in 1996 when he and then-Senator Bill Leonard (R-Redlands) "swapped seats" (see *CJ* election coverage, December 1996). Brulte's overall influence stems largely from the reputation built during the 1994 elections and spreads to both houses of the Legislature. It is said that he was instrumental in the election of Leonard to head Assembly Republicans and that the Assembly caucus still looks to Brulte to honcho its election effort in 1998. But Democrats, too, look to Brulte to help solve some of the Legislature's knottier partisan squabbles. As one observer remarked, almost no deal goes down in the Capitol that does not involve Brulte. Another observer said that Brulte's influence is so pervasive among Republicans that he has to remind himself every now and then that Brulte is *not* Senate minority leader.

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successful legislator, with 10 the best score and 1 the worst. The original categories were integrity, intelligence, effectiveness, energy, flexibility, conviviality and potential. We then combined the first four categories to determine an overall ranking for each member of each house. We received 220 replies that first year, and all were anonymous. Each member of the Legislature then was "ranked" in each category according to his or her average score. We cautioned at the time that the rankings were not perfect nor scientific but the results of 220 "interviews" with knowledgeable Capitol insiders (see *CJ*, March 1990). We also cautioned that survey results measured only how well a lawmaker performed in Sacramento. It did not address how well he or she served his or her constituents in the district — an important legislative function.

We repeated this process in 1992, 1994 and 1996, refining the categories by adding "problem-solving" in 1992. During those subsequent years, the Minnies became a Capitol event. In 1992, then-Assembly Minority

ROOKIE OF THE YEAR

Carole Midgen
(D-San Francisco)
Chair, Assembly Appropriations Committee

When it came to choosing a speaker to succeed termed-out Democrat Cruz Bustamante, a number of longtime Capitol-watchers felt only one Democrat combined the native smarts, political savvy, fund-raising ability, workaholic attitude and *chutzpah* to return the speakership to its glory: Carole Migden. Unfortunately, Migden had one overriding handicap — she is gay. And, fair or unjust, a few Democrats from conservative districts could not vote for her. Migden argued that those members would see her strengths — and the assets she could bring to the speakership — and look beyond their own political fears. But it was not her time and, in a sense, she knew it.

Still, Migden is consensus choice as *California Journal's* 1998 rookie-of-the-year. The criteria for choosing the Legislature's top rookie have changed in the era of term limits. It no longer is a designation based on promise but on performance, for first-termers no longer enjoy the luxury of time. Where once even the most promising lawmaker might have had to wait several terms before landing a seat on a powerhouse committee such as Appropriations, Migden was thrust into its chairmanship. And, as one observer noted, "She runs a huge committee and does it with nary a misstep." That in itself is a remarkable accomplishment for a rookie. But Migden also displayed a prodigious fund-raising capability during the 1996 election cycle and a willingness to share her largesse with embattled Democrats across the state. Safely ensconced in a San Francisco district, Migden is free to dispense campaign cash to — and gather political chits from — her Democratic colleagues.

Migden, a former San Francisco supervisor, ran unopposed for the Assembly seat vacated in 1996 when its incumbent, Willie Lewis Brown Jr., became mayor of San Francisco.

RUNNER-UP

Dion Aroner
(D-Berkeley)
Chair, Assembly Human Services Committee

The Legislature is credited with a successful run in 1997, and one of the cornerstones of that success was the so-called "welfare reform package." Assemblywoman Dion Aroner (D-Berkeley) was at the center of that effort. "Welfare reform was complicated, and she was nimble," said one observer. That single accomplishment qualifies Aroner as a strong contender for rookie-of-the-year. Aroner was not new to the subject, however. For years, she served as chief of staff to the chairman of the Assembly Human Resources Committee — former Assemblyman Tom Bates (D-Berkeley). Aroner was a top consultant to the committee as well, so she was well-steeped in both legislative process and the subject of welfare. Thus, in terms of experience, Aroner was no rookie. Still, welfare reform remains one of the jewels of the 1997 session. And Aroner was the jeweler.

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Leader Ross Johnson (R-Fullerton) urged his caucus and its staff not to participate, citing how poorly Republicans had fared in 1990 — a result Johnson and others attributed to a staff dominated by Democrats.

But the Minnies were not easily ignored, if for no other reason than election campaigns did not ignore them. In 1992, Senator Pat Johnston (D-Stockton) was quoted elsewhere as saying that he didn't think too much about earning the overall rank in the Senate. His nonchalance, however, didn't prevent Johnston's campaign from reprinting the rankings as a brochure — complete with a pilfered reproduction of the magazine cover. Sometimes, the results have been used on both sides of a campaign, such as the 1995 San Francisco mayoral contest. Then-incumbent Frank Jordan called attention to the fact that his opponent — Assembly Speaker Willie Brown Jr. — ranked 77th out of 79 in integrity in the 1994 rankings. The Brown campaign, on the other hand, pointed out that Brown finished first in intelligence, effectiveness and energy. In similar ways, the rankings have shown up in

INTELLIGENCE

Senate

Jim Brulte
(R-Rancho Cucamonga)

Quentin Kopp
(I-San Francisco)

Bill Lockyer
(D-Hayward)

It was impossible to single out one member among these three. All are considered highly intelligent and politically savvy, although only Brulte and Lockyer have engineered election victories outside the boundaries of their own districts. Lockyer and Kopp are termed out of the Legislature in 1998, while Brulte's tenure has six more years to run.

"[Kopp] has an amazing ability to think through difficult problems."

"It's clear that [Kopp] reads through stuff and understands subtleties that others miss."

"[Brulte] is a quick study and cuts right to the heart of issues on two or three dimensions."

"[Lockyer] is smarts with a lot of smooth behind it."

"[Lockyer] is on page 10 when everybody else is on page one."

Others with serious wattage: John Burton (D-San Francisco), Pat Johnston (D-Stockton), Ken Maddy (R-Fresno) Byron Sher (D-Palo Alto)

Assembly

Sheila Kuehl
(D-Santa Monica)

Kuehl is generally acknowledged as having more raw brain power than any other member of the Assembly, even though some observers questioned whether the actress-turned-law professor uses that wattage to her political advantage. Her smarts, say some, do not always translate into political savvy, but there is no denying the intelligence.

"Her IQ is all-encompassing. She's impressive to watch in committee."

"[Kuehl] is able to synthesize various points of view, grasps issues, is intellectually playful enough to look at issues contrary to her own."

"A master at using her brilliance to find common ground."

Others with serious wattage:
Bob Hertzberg (D-Sherman Oaks)
Tom McClintock (R-Thousand Oaks)
Carole Migden (D-San Francisco)

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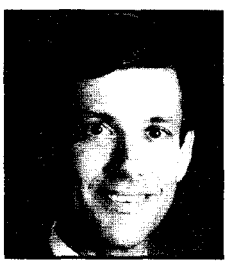
many campaigns over the years as incumbents who scored well touted them and opponents of low-scoring incumbents noted the shortcomings of the survey.

As a result, by 1996, when Republicans controlled the Assembly, they not only did not ignore the survey, they organized an effort to ensure that GOP staff and members responded to it. It also appeared that they tried to skew the results, for unlike the three previous surveys, '96 scores from partisan legislative staff and legislators differed markedly from those of the more neutral lobby and press corps. For instance, more than one legislative staffer gave Willie Brown a "1" in intelligence. Now, regardless of what a person may have thought about the former speaker, he was not the least intelligent member of the Legislature. In fact, the scoring was so different, we felt compelled to publish comparative rankings, showing the contrast between staff and lobbyists (see *CJ*, February 1996). Given what happened to the survey in 1996, we had every reason to believe that both parties would organize an effort to skew the results in 1998.

INTEGRITY

Senate



Jack O'Connell
(D-San Luis Obispo)

In 1982, former teacher Jack O'Connell won a narrow victory over Republican Brooks Firestone for an open Assembly seat in the Santa Barbara area. Six years later, incumbent O'Connell was the nominee from both major parties. It was more than hard work, savvy and shoe leather; a fundamental decency had clicked with his constituents.

"Always an above-board guy."

"[O'Connell] ... is very straight with you; he likes an issue or he doesn't. He usually doesn't play cute."

"He can leave lobbyists feeling bad about asking him to vote in a way he couldn't vote."

Other golden rulers:
Dede Alpert (D-San Diego)
John Burton (D-San Francisco)
Bill Craven (R-Oceanside)
Bruce McPherson (R-Santa Cruz)
Byron Sher (D-Palo Alto)
John Vasconcellos (D-San Jose)

Less than a Boy Scout:
Charles Calderon (D-Whittier)
Jim Costa (D-Fresno)
Ray Haynes (R-Riverside)
Richard Polanco (D-Los Angeles)

Assembly

Sheila Kuehl
(D-Santa Monica)

The Legislature's first openly gay member, Kuehl is regarded as having no hidden agendas. As pro tem, she runs Assembly floor sessions and is regarded as fair and trustworthy by Republicans as well as by her Democratic colleagues.

"Her word is her word. She is very clear about what she believes in, and she doesn't stray from that."

"[Kuehl] has a moral center."

Other golden rulers:
Bill Leonard (R-Redlands)
Charles Poochigian (R-Fresno)
Tom McClintock (R-Thousand Oaks)
Carole Migden (D-San Francisco)

Less than a Boy Scout:
Joe Baca (D-Rialto)
Jim Battin (R-La Quinta)
Scott Baugh (R-Huntington Beach)
Don Perata (D-Oakland)

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The concept of such a survey and its attendant rankings had been the subject of criticism since the inception, and not only from those who finished near the bottom. Even though overall results continually passed "the smell test" — no lawmaker who finished in the top quarter in any category should have been in the bottom quarter, and no lawmaker in the bottom quarter really belonged near the top — the numerical rankings and scoring system took on the trappings of scientific accuracy, especially when mentioned in campaign literature. The scores were subjective judgments from several hundred respondents, but they appeared to be objective when compiled and the results assigned a rank.

Thus in 1998, we abandoned the questionnaire.

PROBLEM-SOLVING

Senate

Jim Brulte
(R-Rancho Cucamonga)

Bill Lockyer
(D-Hayward)

Even the termites gnawing their way through the Capitol dome knew that, for the past four years, the legislative solution to virtually any problem had to bear Lockyer's imprimatur. He was, after all, undisputed kingpin of the Senate from 1994 until February 1998, when the realities of term limits finally caught up with him. Brulte is a different matter. A former Assembly GOP leader, he holds no official position inside the Senate GOP caucus — except everyone knows that to get anything done, he is the Republican to see.

"[Brulte] is always in on the deal, in the mix bigtime. There isn't a deal that goes down in the Senate, and maybe the Legislature, where he isn't there."

"[Lockyer] has almost made a career out of bringing disparate interests together and forcing a consensus."

Other bridge-builders: Dede Alpert (D-San Diego), Pat Johnston (D-Stockton), Ken Maddy (R-Fresno), Jack O'Connell (D-San Luis Obispo)

Obstructionists: Ray Haynes (R-Murietta), Rob Hurtt (R-Garden Grove), Pete Knight (R-Palmdale), Diane Watson (D-Los Angeles)

Assembly

Curt Pringle
(R-Garden Grove)

Pringle is regarded as having walked a long road from conservative ideologue to deal-maker during his three-plus terms in the Legislature. His first term, back in 1988, was marred by the infamous "poll-guard" incident, when local Republicans hired uniformed guards who intimidated some Latino voters. That could have crippled his entire career, but many observers note that Pringle matured when he briefly held the speakership in 1996. His work putting together the tax deal at the end of the '97 session is cited as evidence that he has matured into an effective lawmaker.

"A born problem-solver. He loves to get things resolved."

"He works well, whether center stage or behind the scenes."

"He finally has matured to the point where his brain can engage for productive outcomes. He's merged his political leadership requirements with policy."

Other bridge-builders:
Fred Aguiar (R-Chino)
Sheila Kuehl (D-Santa Monica)
Don Perata (D-Oakland)
Antonio Villaraigosa (D-Mt. Washington)

Obstructionists:
Larry Bowler (R-Elk Grove)
Dick Floyd (D-Wilmington)
Howard Kaloogian (R-Carlsbad)
Diane Martinez (D-Monterey Park)
Tom McClintock (R-Thousand Oaks)

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Instead of asking respondents to fill out a survey, we asked them to talk with us and to provide one-on-one evaulations of lawmakers. The interviews in most cases proved as exhaustive as the surveys, but the participants — lobbyists, legislative staff, the press corps, administration officials and lawmakers — were cooperative and thoughtful in their judgments. Although interviewees were selected by *Journal* editors, we sought an eclectic and politically balanced group. If one problem emerged, it had to do with the consequences of term limits. More than a few of those interviewed — and some who declined to be interviewed — complained about not being familiar enough with the large number of new legislators. Still, we cast our net wide, eventually inter-

HARDWORKING

Senate

Bill Lockyer
(D-Hayward)

Lockyer breathes politics. It is his life — some say, his only life — and most observers feel that he devotes 36 out of every 24 hours to his work in the Legislature.

"His life is politics. He has no need to wear fancy clothes or live in fancy splendor. He's a political junkie who stays up all night and watches C-SPAN."

"He was involved in every major and minor decision in the Senate while at the same time raising money for his caucus under sometimes adverse conditions."

Others on the treadmill:
Dede Alpert (D-San Diego)
Pat Johnston (D-Stockton)
Quentin Kopp (I-San Francisco)
Jack O'Connell (D-San Luis Opisbo)

Chaise-lounge crowd:
Ruben Ayala (D-Chino)
Leroy Greene (D-Carmichael)
Rob Hurt (R-Garden Grove)
Maurice Johannessen (R-Redding)

Assembly

Carole Migden
(D-San Francisco)

Although a first-term legislator, Migden earned high marks as chairwoman as one of the Assembly's most demanding and complex committees — Appropriations. As many observers noted, ramrodding that committee requires taking on a tremendous workload. Migden, who is openly gay, is a driven personality who drives everyone around her at an often frenetic pace — one reason she also is regarded as being particularly hard on staff.

"Gay females face an intensified version of the pressure and scrutiny that minorities and women in general face when they attempt to participate in leadership endeavors in any aspect of life: twice as good as white males, ultra-exceptional individuals. Just sort of the cost of entry."

Others on the treadmill:
Bob Hertzberg (D-Sherman Oaks)
Sheila Kuehl (D-Santa Monica)
Charles Poochigian (R-Fresno)
Curt Pringle (R-Garden Grove)
Antonio Villaraigosa (D-Los Angeles)

Chaise-lounge crowd:
Joe Baca (D-Rialto)
Larry Bowler (R-Elk Grove)
Denise Ducheny (D-San Diego)
Brett Granlund (R-Yucaipa)

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viewing 61 members of the Capitol community.

The categories were the same as those used on past questionnaires:

- Intelligence — Who are the most intelligent members, regardless of how that brain power is used?
- Problem-solving — Who finds solutions to knotty problems, especially those with ideological or partisan overtones? Who tries to bridge the gaps?
- Integrity — Which members are true to their word? Who seems to have a moral center?
- Ambition — Who is the most overtly ambitious in a universe populated with ambitious people?
- Hard-working — Who puts in the time and energy, regardless of the cause for which they work?
- Influential — Who has real power? Who is listened to and whose opinions sway colleagues?

When the interviews were complete, *Journal* editors met to determine the top-ranked legislator in each category, as well as to name a "legislator of the year" and a "rookie of the year." Unlike previous years, there is no 1-to-80 ranking of the Assembly or 1-to-40 ranking of the Senate. We identify the one, two or three members considered "the best," name a handful who also gained favorable mention, and in some — but not all — cases, highlight a few lawmakers universally considered near the bottom. We chose to identify the bottom-dwellers in what we believed to be critical categories: problem-solving, influence, integrity and hard work.

One other note regarding our change of method. Perception is important in politics, as it is in journalism. The editor who conceived the Minnies back in 1990 — Richard Zeiger — no longer edits *California Journal*; he now serves as press secretary and consultant to Assembly Speaker Antonio Villaraigosa (D-Mt. Washington) and the Assembly Democratic caucus. Zeiger's integrity is not the issue; we believe he would have urged people to fill out the survey but not to skew it. Still, the magazine enjoyed a long relationship with Zeiger, and we sought to distance him from the Minnies as much as possible. Although a knowledgeable legislative staffer, he was not even interviewed for this story.

The really hard work on this survey — the vast number of interviews conducted with legislative staff, lobbyists, administration officials and members of the press corps — was performed by California Journal *editors Sigrid Bathen, Noel Brinkerhoff, Claudia Buck, Cynthia Craft, Kathleen Les and Steve Scott.*

AMBITION

Senate

Richard Polanco
(D-Los Angeles)

A year ago, Polanco was considered a front-runner for the job of Senate president pro tempore when term limits forced Bill Lockyer (D-Hayward) to step down. But when push came to shove, Polanco counted only one vote — his own. Observers indicated that, even in a universe where open ambition is the norm, Polanco pushes out beyond the envelope.

"This is a guy who promoted himself for the Senate leader's job when he had one vote and was so ambitious that he made people believe he really was a contender."

Other fires in the belly:
Jim Brulte (R-Rancho Cucamonga)
Charles Calderon (D-Whittier)
Jim Costa (D-Fresno)
Bill Lockyer (D-Hayward)
Mike Thompson (D-St. Helena)

Assembly

Don Perata
(D-Oakland)

Oakland's Don Perata wanted very badly to be speaker of the Assembly. Too badly, perhaps. It is said that he attempted a coup against former Speaker Cruz Bustamante when the fate of Proposition 140's term limits was in doubt and Bustamante may have been able to continue his Assembly career. After that attempt failed and term limits was upheld in court, he campaigned openly for speaker only to be outmaneuvered by the eventual winner — Los Angeles Democrat Antonio Villaraigosa, himself no slouch when it comes to expressing his ambitions.

"How do you get past Don Perata for number one? He's driving for the top."

Other fires in the belly:
Carole Migden (D-San Francisco)
Kevin Murray (D-Los Angeles)
Curt Pringle (R-Garden Grove)
Antonio Villaraigosa (D-Mt. Washington)

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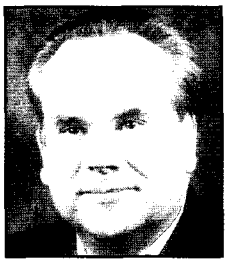
INFLUENTIAL

Senate



Bill Lockyer
(D-Hayward)

The Mirnie interviews were conducted when Bill Lockyer still served as pro tem of the Senate and was arguably the most powerful legislator in California. The observations were based not only on his position but how he used that position. It was a time when the Senate clearly was in the ascendency, and Lockyer was at its helm. In coming months, the new pro tem, Democrat John Burton of San Francisco, likely will replace Lockyer as the Senate's — and perhaps the Legislature's — most influential member.

"[Lockyer] is head and shoulders above everyone else in the Legislature."

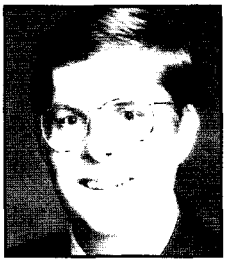
"It's obvious: Lockyer, because of his position [as pro tem]."

"It's hard to name anyone else because Lockyer influences so many people's decisions."

Others who turn heads: Jim Brulte (R-Rancho Cucamonga), John Burton (D-San Francisco), Pat Johnston (D-Stockton), Mike Thompson (D-St. Helena)

The great ignored: Ralph Dills (D-El Segundo), Pete Knight (R-Palmdale), John Lewis (R-Orange)

Assembly



Curt Pringle
(R-Garden Grove)

A decade ago, one observer noted, you would have been hauled away in a straightjacket for suggesting that Curt Pringle would be regarded as anything but a right-wing lunk consigned permanently to the Legislature's most remote back bench. He had so offended majority Democrats following the poll-guard fiasco (see box, page 12) that he was targeted and defeated in the next election. But reapportionment helped spark his comeback in 1992 and eventually allowed him room to fulfill his ambitions by becoming Assembly speaker in 1996. Although some question his ethics in the wake of Orange County's recent political scandals, many Sacramento veterans see a maturity in him they never would have thought possible in 1988. And with that maturity has come respect and influence, especially among his fellow Republicans.

"Lockyer, Brulte and Maddy put [the '97 tax deal] together, but somebody had to sell it on the Assembly side, and everybody went to Pringle. He made it happen."

Others who turn heads: Sheila Kuehl (D-Los Angeles), Bill Leonard (R-Redlands), Carole Migden (D-San Francisco), Antonio Villaraigosa (D-Los Angeles)

The great ignored: Larry Bowler (R-Elk Grove), Sally Havice (D-Cerritos), Diane Martinez (D-Monterey Park), Rico Oller (R-San Andreas), Scott Wildman (D-Los Feliz)

A special case:

Ken Maddy, (R-Fresno)

Ken Maddy has been in the Legislature since 1970, when he first was elected to the Assembly. He migrated to the Senate in 1978 where he served as Republican leader in the 1990s. He is termed out in 1998. Many of those interviewed singled out Maddy as being one of the most influential members of the Legislature from either party — when he chooses to become engaged in an issue. As his legislative career winds down, however, that no longer happens very often. Many observers see him as having checked out unless one of his pet interests is involved — horse racing, for instance. But Maddy also is the one legislator who it is said can turn Governor Pete Wilson around on an issue. And last year, it was Maddy who brought closure on the welfare-reform package.

"He is one of the reasons we have a compassionate welfare plan compared with other states. When he was brought in at the end to do the heavy bargaining, he produced."

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Southern Exposure

perspective

by Sherry Bebitch-Jeffe

Valley secession

Last October Governor Pete Wilson signed a bill making it easier for the San Fernando Valley to secede from Los Angeles. A front-page banner headline in the Los Angeles *Daily News* blared: "Breakaway Burbs: From Valley to San Pedro, cityhood drives heat up."

Never mind. The San Fernando Valley secession movement appears to have lost its spark.

That's not to say the drive to detach roughly one-third of Los Angeles' population from the city has stalled completely. Valley Voters Organized Toward Empowerment (Valley VOTE), the main pro-secession group, is working to place the issue on the ballot in the year 2000. In addition, groups have formed on the Westside and other communities to push separation from the city. But break-away momentum has slowed. Why? Because L.A. is on a roll.

The economy is good. Unemployment is down. The entertainment industry — a commanding presence in the San Fernando Valley, drives the region's economic recovery. The real estate market is rebounding strongly from the battering it took from the recession of the early 1990s, the 1992 Los Angeles riots and the 1994 Northridge earthquake.

Angelenos see their quality of life improving. Overall, crime is down. State figures issued late last year showed homicide, rape and robbery in Los Angeles declined to the lowest level since the 1970s; Valley statistics mirrored that general trend (although homicides were up). There's a new police chief, Bernard Parks, in place; under his direction, the LAPD is working on proposals for more Valley police stations and improved response time. The newly opened J. Paul Getty Center, a billion-dollar, "modern Acropolis" housing Getty's world-class art collection, overlooks West Los Angeles and the Valley. The Getty, said Gwen Walden of the Center staff, shows a Los Angeles "which is being recognized around the country as being a deep and rich community and one that is representative of what large, urban centers want to be." Even the city's air has markedly improved — thanks, in part, to the notorious El Niño weather system.

Furthermore, city leaders have taken heed of citizen complaints about inaccessible and unresponsive government. There are plans for a "mini-City Hall" and a mega-Constituent Service Center to bring city services closer to Valley residents, who often have to endure a tortuous commute "over the hill" to conduct their business with the city. And last year, the Los Angeles City Council adopted — for the first time — a regular schedule of meetings outside City Hall, including at least six in the Valley.

L.A. Mayor Richard Riordan launched a high-visibility campaign against secession. He has been stumping instead for city charter reform. Riordan convened his Valley-based city commissioners, some of whom are active in the secession movement, to admonish them to work to "make the city better ... and stop doing things to tear the city apart."

Even the feds have weighed in. Mayor Riordan called President Bill Clinton's proposed 1998 spending plan, "a good budget for the city of Los Angeles." It includes $100 million for the Red Line subway extension in the Valley community of North Hollywood. And Vice President Al Gore, with the 2000 presidential campaign looming, visited the Valley last month to announce Pacoima's inclusion in a Los Angeles empowerment zone — clearing the way for it to share in $600 million in tax incentives for poor neighborhoods.

The election year, with its focus on education, has shifted politicians' and voters' attention away from city secession to dismantling the mammoth Los Angeles Unified School District. Petition drives have begun in areas from South Central Los Angeles to the Valley, where FREE (Finally Restoring Excellence in Education) is collecting signatures to qualify a proposal on the April 1999 ballot to break away LAUSD and create two new Valley districts.

Still, there are factors which can rev up secessionist fervor.

Two charter reform commissions, one elected by voters in the 1997 municipal election and one appointed by the city council — nervous about losing control of the reform process — are working on recommendations to be placed before the electorate in 1999. If proposed charter changes do not satisfy secessionists, the push for "Valley independence" could intensify.

Bus service in the Valley is currently administered by that dysfunctional giant, the Metropolitan Transit Authority (MTA). Valleyites grouse about the quality of service and being "shortchanged" by the agency's use of funds to build the costly and controversial Metrorail system rather than to improve Valley bus transportation. One proposal by L.A. Councilman Richard Alarcon, who represents a Valley district, has called for the creation of a semi-independent transit agency, which would administer Valley bus service with MTA-supplied funding. If attempts to improve Valley transportation are blocked by bureaucratic or legislative obstacles, this, too, could propel a drive toward "Valley incorporation."

The lesson of this hot-and-cold flirtation with secession is not new nor is it unique to Los Angeles. It is this: The oldest, and most important question in politics is, "What have you done for me lately?" How the city, its people and its leaders respond to that question could define the size and character of Los Angeles as it enters the 21st century.

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Maintaining and enhancing quality of health care
Keeping health care affordable

New legislation should not decrease access for California families who currently have health coverage, or create additional barriers for the 6.5 million children and adults* who currently have no coverage at all.

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* Source: "The State of Health Insurance in California, 1997" by the University of California, Berkeley, School of Public Health and the UCLA Center for Health Policy Research.

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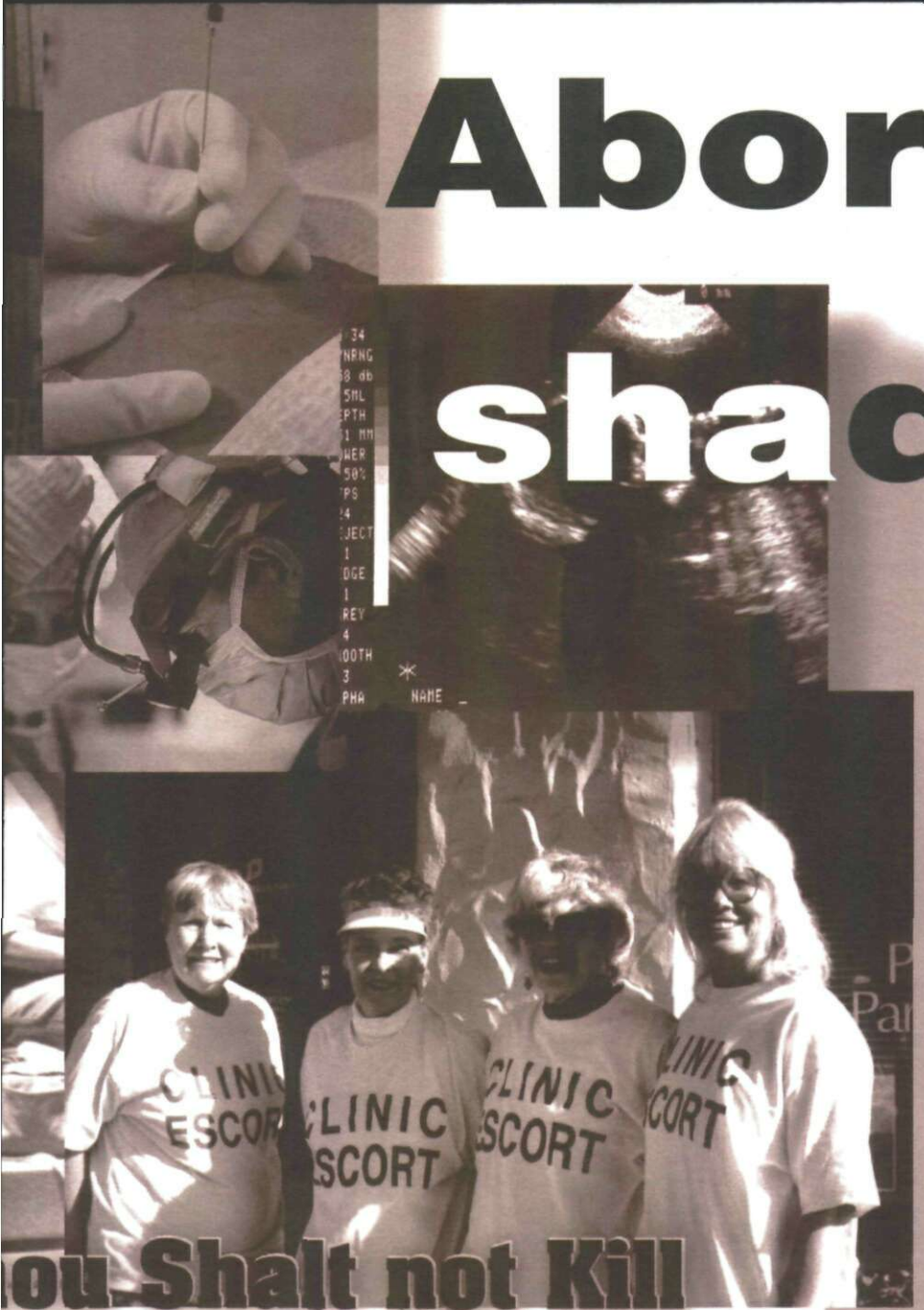
Abortion in the shadows



As anti-abortion forces intensify their protests, pro-choice advocates say a woman's access to safe, legal abortion is imperiled by a growing shortage of doctors who will provide abortions and a lack of medical training for new doctors in how to perform the procedure.

By Sigrid Bathen

Felicia Stewart was a young intern at Cambridge City Hospital in Boston when a comatose woman, married with two small children, was admitted with severe complications from a botched illegal abortion. "She came in dead, basically," recalls Stewart. "She died in my arms. She and her husband had been afraid to come, so they didn't come in time. Poor, pale, sad woman — she haunts me today."

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Like many physicians of her era — those who were in training and early practice before the U.S. Supreme Court legalized abortion in the landmark 1973 *Roe v. Wade* decision — Stewart, 55, resolved to make safe, legal abortion a priority in her practice. A longtime Sacramento obstetrician and gynecologist, she and her then-husband, Dr. Gary Stewart, maintained an active private practice and served as directors of Planned Parenthood. Their home was picketed by anti-abortion protestors, and they were regularly threatened, their names and home address circulated with those of other "abortion doctors" by the militant, sometimes violent Operation Rescue.

"It was very frightening," recalls Felicia Stewart, who served two years as a deputy assistant secretary for population affairs in the U.S. Department of Health and Human Services and since last year has been director of reproductive health programs for the Kaiser Family Foundation. "The idea that someone would actually call and threaten your life on the phone and threaten to kill your children was a stunning, daily presence that affected our family life."

Stewart continues to do clinical work for Planned Parenthood in San Francisco — and worries about her safety and that of others in women's health clinics where abortions, as well as a wide range of other services, from contraceptive advice to prenatal care, are performed. Interviewed the day after the January 1998 bombing murder of a security guard and the maiming of a nurse at an Alabama clinic, Stewart was admittedly shaken and considering wearing a bulletproof vest to work.

Her fear is typical of physicians who provide medical abortions and one reason that doctors who provide the service are becoming a rare breed. Fully 84 percent of American communities have no known doctor who will provide abortions, and women in those communities — often in rural, isolated parts of the country — must travel to urban centers, where "circuit-riding" physicians drive or fly to perform abortions. Many of those physicians are older — a recent study found that half of those surveyed were over 50, and that 13 percent of the abortions performed in that study were by doctors 65 or older — and they worry that there are not nearly enough young doctors in the training pipeline. Many medical schools do not offer instruction in abortion procedures, or the training is "optional" in medical residency, which critics say is tantamount to not offering it at all to already overscheduled residents who regularly work 80-hour weeks.

While the number of abortions in the United States has dropped slightly (from an estimated 1.5 million in 1992 to 1.4 million in 1994), and contraceptive use is increasing, the U.S. still has more abortions and unintended pregnancies than any other developed country. Despite the intense opposition and the violence against clinics, first-trimester abortions remain one of the most commonly conducted — and safest — surgeries in the United States.

In a 1985 study published in the professional journal, *Family Planning Perspectives*, the authors found that the majority (73 percent) of U.S. residency programs in obstetrics and gynecology include first-trimester abortion techniques in training. But only 23 percent offered such training as routine, and 50 percent as "optional." Twenty-eight percent, including many Catholic hospitals, offered none — a fourfold increase since 1976.

Family physicians are ... ill-prepared to provide one of the most common surgical procedures in the United States.

The dearth of training apparently doesn't stop at abortion. A 1995 study of family practice physicians found that the majority of medical residents who responded to the survey reported that they had no clinical experience in the fitting of contraceptive devices such as diaphragms or IUDs, only 15 percent had clinical experience in first-trimester abortions, only 5 percent said they would perform abortions and 65 percent said they "certainly" would not. A majority (65 percent) said first-trimester abortion training should be optional within family practice residency programs.

"Family physicians are ... ill-prepared to provide one of the most common surgical procedures in the United States," the authors concluded. "This has particularly grave consequences for women living in non-metropolitan counties. Even if a family medicine resident is highly motivated to receive training in abortion, our results show it is unlikely that his or her program has such training available or is able to provide it elsewhere."

Dr. Philip Darney, 55 — professor of obstetrics, gynecology and reproductive sciences at the University of California Medical School, San Francisco, medical director of the Family Planning Clinic at San Francisco General Hospital and a co-author of the 1985 and 1995 studies — said California medical schools, unlike many in other parts of the country, have "pretty good training programs," still he said residency programs don't meet the demand for new doctors willing — and able — to perform abortions.

"We have patients who regularly travel to our clinic [in San Francisco] from rural areas," says Darney, adding that training for new doctors must be required if the shortage is to be addressed. "That doesn't mean that someone who is a staunch Catholic and doesn't want to do abortions is forced. It simply means that the training is available to residents who want it, and they are not expected to work extra hours." Doctors in training who for reasons of religion or conscience choose not to learn about or do abortions are not required to, and many choose that option.

California's training of physicians in abortion techniques is more widespread than training in other parts of the country, as is the availability of abortion providers generally (67 percent of California counties have an abortion provider, compared to 16 percent nationwide, although most providers are concentrated in metropolitan areas, and the actual number of known providers in California has shrunk from 583 in 1982 to 554 in 1992).

"We haven't felt the shortage as deeply as other parts of the country," says Kathy Kneer, executive director of Planned Parenthood Affiliates of California. "We've been fortunate that private OBs are providing first-trimester abortions for their patients."

But regular, routinized, required training in residency still varies in California medical schools and residency

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programs. At UC-Davis Medical School, for example, a spokeswoman said training was provided, but it was optional. A Stanford University Medical School spokeswoman was more circumspect, saying that people at Stanford were hesitant to answer questions — even basic questions about the kind of training offered at Stanford — because "folks who do abortions do so at great personal risk."

At the University of California Medical School, Irvine, Dr. Kirk Keegan, who heads the Department of Obstetrics and Gynecology, said residents receive some training in abortion services but "most are second-trimester, usually associated with congenital anomalies of the fetus." No third-trimester abortions are performed there.

Medical schools such as UC Irvine are connected with hospitals, and most first-trimester abortions — 90 percent of all abortions are first-trimester — are performed in community-based clinics, not hospitals. Asked why residents are not "cycled" through an area clinic for residency training, Keegan said, "We don't have access in our rotation schedule to do that, and we feel we have enough exposure for those who desire to do terminations." He said medical students "are taught about pregnancy termination — the standard lecture on contraception, which includes [termination]."

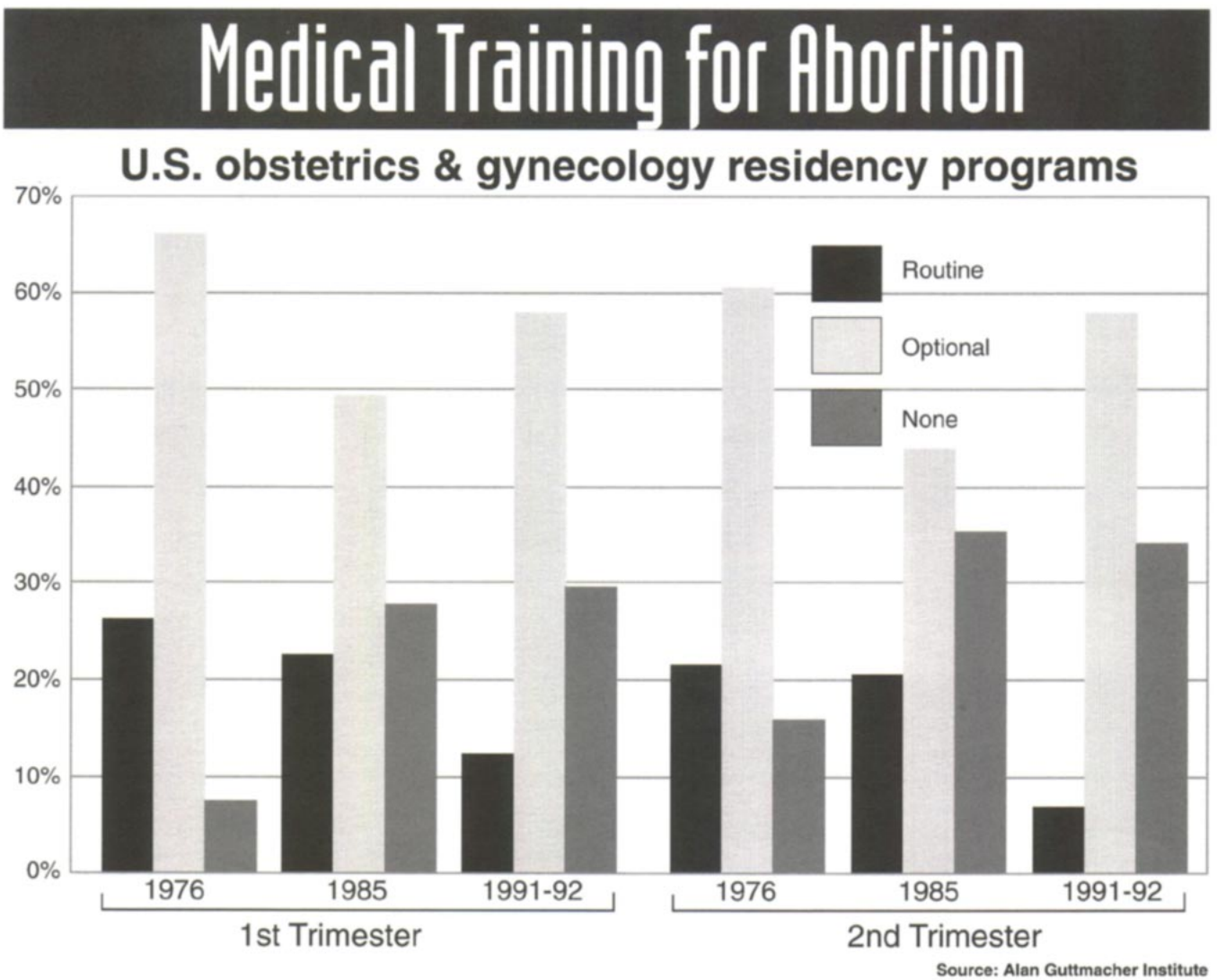
The reasons why physicians choose not to provide abortions are both obvious and complex. Most physicians in the forefront of abortion services — and even those quietly providing services, as many private OB/GYNs do, in the relative obscurity of private practice — have experienced, directly or indirectly, violence. "These events certainly have a chilling effect on training people, as I do, to perform abortions," says Darney.

Jan Carroll, legislative analyst for the California Pro-Life Council, said her group "totally takes umbrage" with any notion that doctors don't perform abortions because they fear the violence against clinics. "It is much more than their safety," she said. "Most doctors have rejected the role of killing patients. Unlike a lot of the mothers who are not apprised of the dangers [of abortion], doctors are well aware of those things. There are natural reasons why doctors don't want to be involved."

She also said pro-life advocates "are opposed to the violence" against clinics. "You can make a case for blowing up Auschwitz if there are no people inside," she said. "We are totally opposed to taking a human life."

Many doctors who do learn abortion techniques in residency often don't use them. "They may feel threatened," Darney says, "or are in practices where their partners don't want them to [perform abortions]. Some simply felt it was more efficient to refer to clinics."

Dr. Trent MacKay, 54, who teaches obstetrics and



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gynecology at the UC-Davis Medical School, recalls that when he was a young OB/GYN in Sacramento in the early years after *Roe v. Wade*, "there were towns in Northern California where, literally, it was a 'gentleman's agreement' that, well, we just didn't do that... Abortion certainly hasn't been a high-prestige or well-remunerated procedure. Many younger physicians and certainly residents don't see it as something they have a burning desire to do."

MacKay is the co-author of a landmark study with his wife, Andrea, a public health specialist, of OB/GYN residency programs in 1991 and 1992, comparing the training in abortion with training in 1985 and 1976. The study, which is currently being updated, was conducted under the auspices of the prestigious Alan Guttmacher Institute, a nonprofit corporation that does research and policy analysis on reproductive health issues. "The number of programs with

The Politics of Abortion

Although a majority of Americans are pro-choice, many are uncomfortable with late-term abortions, and the political debate over abortion has turned increasingly on a litmus test involving a rarely performed procedure which pro-life activists have dubbed "partial-birth abortion." While not a medical term, it refers to a procedure that medical authorities say is intended to save the life or health of the mother or because a fetus is so severely damaged it would have no chance to live. Such unusual abnormalities are often not fully identified until fairly late in the pregnancy, and the decision for the family opting for such a late-term procedure is agonizing. But it has been seized upon by pro-life forces with a genius for marketing.

And probably no California politician is more familiar with the results than Assemblyman Brooks Firestone (R-Los Olivos), whose candidacy for the 22nd Congressional District seat vacated by the death of U.S. Representative Walter Capps (D-Santa Barbara), was decimated by a last-minute, well-funded barrage of TV ads paid for by a group called the "Campaign for Working Families." The moderate Republican's campaign manager, John Davies, said his candidate was "partial-birthed" to defeat. Although Firestone's Republican opponent didn't benefit from the ads, neither did Assemblyman Tom Bordonaro (R-Paso Robles) object to them as he defeated Firestone.

The Democratic candidate was Capps' widow, Lois, a retired public-health nurse who is strongly pro-choice. She outpolled both Republicans in the primary but garnered less than the 50 percent vote necessary to avoid a runoff with Bordonaro. The two faced off on March 10th, with Capps winning 53.1 percent to Bordonaro's 45.1 percent. Libertarian Robert Bakhaus polled 1.8 percent.

During the campaign, Capps was targeted by similar ads but took the unusual step of responding with a direct appeal to voters, filmed in her living room, about her views. She said voters were "turned off" by the huge influx of expenditures by single-issue outside groups. "The overall impact is that it turns off voters to the whole process, " she said.

Republican strategists who pressed Firestone to drop his campaign for lieutenant governor theorize that the heavy-handed ads — which were originally so graphic that many TV stations refused to run them until they were toned down — would "backfire" on the GOP, which lost many women voters to Capps in the primary. "They are going to be hard to get back," said GOP analyst Tony Quinn.

For his part, the moderate Firestone, heir to the Firestone Tire and Rubber Company fortune, is still reeling from the congressional primary. Although pro-choice, Firestone does not support so-called "partial-birth" abortions but declined to sign a declaration to ban the procedure, which was demanded by GOP conservatives. Like many moderate Republicans, he expressed concern about the influence of the far right in the party, and he recently announced he would not run for re-election to the Assembly.

"I am a family person," Firestone said in a telephone interview. "My record is quite clear. I oppose the elective procedure of late-term abortion, and I presented a [legislative] amendment to that effect. ...I believe that the traditional, the historic position of the Republican Party is to keep the government out of our private lives, and out of a question that is essentially a moral and personal question." He was especially stunned by the intensity of the ads and believes the type of independent expenditures that made them

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some sort of training didn't change that much," said Trent MacKay. "The difference was in those which had routine residency training [in abortion] and those which were optional."

The comparisons were striking and helped to mobilize pro-choice and medical groups to improve training of the new generation of physicians. Of the 26 percent of U.S. OB/GYN residency programs that offered first-trimester abortion training as a routine part of training in 1976, only 12 percent offered that same training in 1992. "Optional" training had also declined, from 66 percent in 1976 to 60 percent in 1992. Those with no training had jumped from 7.5 percent to 29.6 percent (see chart, page 21).

While distressed about the decline in training — and interest — among physicians, Darney, MacKay and other physicians who pioneered abortion services say they are

possible should receive more scrutiny in campaign finance reform.

"They were devastating," Firestone said of the partial-birth ads. "Just devastating."

Bordonaro did not return calls for comment on the ads, but has publicly criticized the influence of independent expenditures on local elections.

Bordonaro

Independent expenditures played a major role in the pivotal congressional election in a district which, until the election of Walter Capps, had not seen a Democrat in office since World War II. The partial-birth ads were countered with ads paid for by the National Abortion and Reproductive Rights Action League (NARAL) mentioning neither candidate but lambasting Gary Bauer and his Campaign for Working Families. Bordonaro also was the target of ads from a pro-term limits group and from the Sierra Club.

Connie Mackey, co-director of Bauer's group, said more independent-expenditure ads from her group can be expected in future campaigns. "Ours is textbook information, where you take the issue, explain the issue," she said of the partial-birth ads. "Our ads don't go after Lois Capps." This came as a surprise to Capps, whose refusal to endorse a partial-birth ban drew prominent mention in the ads, as did Bordonaro's support for the ban.

"The opposition [to abortion] quite frankly has come up with a way to describe abortion such that it will cause average people to recoil in horror," says Kathy Kneer, executive director of Planned Parenthood Affiliates of California. "It is a brilliant marketing strategy."

She and other pro-choice advocates point to a spate of political maneuvers which they say are designed to further erode the legal right to abortion — including efforts to require candidates to agree to a "litmus test" against so-called parital birth abortions in order to receive campaign funding, as the state Republican Party recently did at its February convention, as well as the continuing efforts by many conservative politicians, including Republican gubernatorial candidate and Attorney General Dan Lungren, to require parental consent for under-age abortions and to limit Medi-Cal funding for abortions for poor women. And there is the move by conservative GOP activists to recall California Supreme Court Chief Justice Ron George and Justice Ming Chin because they voted to overturn a state law requiring parental consent or a judge's approval for abortions for

Capps

pregnant teens.

Pro-choice groups have tallied 11 bills thus far in the 1998 legislative session which limit or further regulate a woman's access to abortion, including measures to require anesthesia for the fetus, force a woman considering an abortion to have a sonogram of the fetus and view it, and one to ban so-called "drive-by abortions" (the author's term) by placing more restrictions on an already heavily regulated field.

The latter bill, by conservative Senator Ray Haynes (R-Riverside), stems from the death of a woman after her uterus was perforated during an abortion in a Moreno Valley clinic. The physician, Dr. Bruce Steir, has been charged with murder — a highly unusual criminal charge against a physician and the first time a state Medical Board investigation has resulted in a homicide charge. Steir was on probation with the state Medical Board as a result of previous abortion-related complications at the time of the Moreno Valley death.

Haynes, who is staunchly anti-abortion, insists clinics that perform abortions must be more rigidly regulated. "There is always one person who dies in an abortion clinic," says Haynes, "but at the very least there ought not to be two."

The current batch of anti-abortion bills has medical and pro-choice lobbyists mobilizing to defeat them. "Again, it's the practice of medicine by the Legislature," says Charlotte Newhart, chief administrative officer and principal lobbyist for the American College of Obstetricians and Gynecologists in California. "For me, the most frustrating thing is that many of the very same groups who are so anti-choice won't support any of the family planning bills."

Dr. Philip Darney, a nationally recognized professor of obstetrics and gynecology at the University of California Medical School, San Francisco, echoes the views of many physicians about the increasing politicization of legal abortion services. "The Legislature," he says, "should stay away from dictating the specifics of medical practice."

But University of California, Davis, sociologist Dr. Carole Joffe who has written several books on the history of abortion, says it will probably always be the subject of intense public debate. "You can medicalize some issues and take away the controversy," she says, "but abortion will always be tied to social movements."

— *Sigrid Bathen*

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hopeful that the "new crop" of young physicians in medical school today will turn the tide. They cite the presence on many medical school campuses of a group, founded in 1993 after the murder of Dr. David Gunn in Florida, called "Medical Students for Choice," whose 4,000 members are three-fourths female. "More and more medical students and residents are women, and more and more faculty OB/GYNs," says Darney. "Those young women are idealistic, and they've been very effective. They're less likely to be intimidated."

Shelley O'Neill, a fourth-year medical student at the Medical University of South Carolina in Charleston, is one of many who aim to change the lack of abortion training for new doctors. An early member and organizer of Medical Students for Choice, which has chapters at some 100 medical schools nationwide, O'Neill took a year off from her medical studies to work for the Berkeley-based, privately funded organization. O'Neill said she was confronted with general avoidance, hoots of derision and insulting remarks when she tried to organize a chapter at her medical school, where abortion training for doctors was largely nonexistent.

"A second-year student came up to me in the hallway and just started yelling at me, 'How could you start a group that supports killing babies?'" says O'Neill. "I kind of let him yell, and then I asked him if he had ever seen an abortion. He started describing an abortion to me, and it was totally wrong. He was going on about the arms and legs falling off — he'd seen it on a pro-life video. He was halfway through medical school, and he knew nothing about the procedure."

O'Neill said she and a few other students eventually overcame the hostility, and the Student Council's refusal to recognize the group — they had to rename it Students for Reproductive Health and Freedom in order to avoid the loaded word "choice" — and now the group has more than 60 members, half of them men. "A lot of people realize it's not a women's issue, it's a medical education issue," says O'Neill. "They want to be good doctors, and they want this information, whether or not they choose to provide [abortions]. They want it to be a mainstream part of medicine rather than a marginal one."

Patricia Anderson, executive director of Medical Students for Choice, sees a generational "changing of the guard" among physicians who provide abortions. "The previous group of physicians committed to [abortion] services were OB/GYNs who worked in emergency rooms, saw women dying because of illegal abortions and decided they were not going to allow this to occur," she says. "There was a feeling among some in that group that it's a hard job, a dirty job, but somebody has to do it. In the new culture, they consider it a privilege to provide abortion services or any kind of health care services to a woman who is facing an unwanted pregnancy."

Vicki Saporta, executive director of the National Abortion Federation, which helped start Medical Students for Choice — as well as similar groups for mid-level clinicians like nurse-midwives and physicians' assistants, who can legally perform abortions in some states — is optimistic about reversing the provider shortage. She says that "if even half of the Medical Students for Choice become providers, the problem will be addressed."

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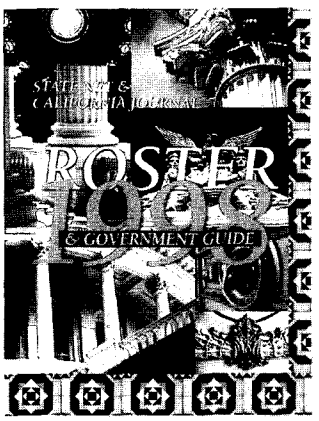

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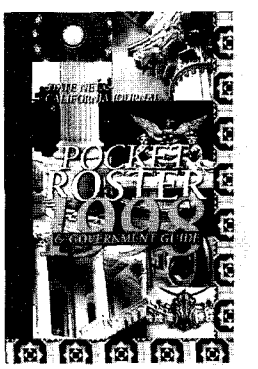

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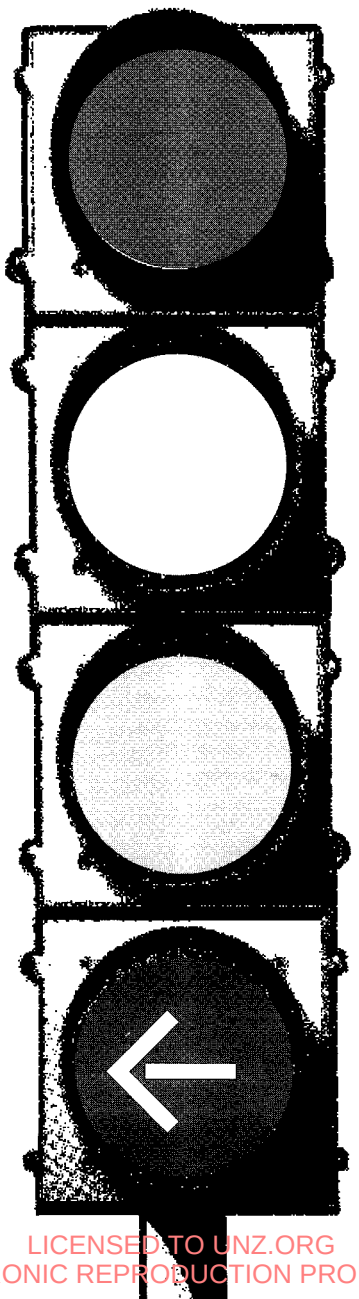

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Washington Notes
perspective

by Dana Wilkie

Jane Harman

It's not something Democrats discuss candidly. If they did, it might send a slow burn up the pallid cheeks of California's lieutenant governor. Or put an unsightly crimp in the ambitious brow of one Northwest Airlines executive. But let's get it out there: Representative Jane Harman's decision to run for governor may be one of the best things that happens to the California Democratic Party this year.

Democrats seem strangely sanguine about the prospects of this three-term congresswoman from Los Angeles' South Bay. Even though she jumped into the race at the last second, leaving her party little time to find a strong candidate for her Republican-leaning district. Even though she got off to a shabby start with her zipped-lipped approach to campaigning. And even though a Harman win this June would be a phenomenal upset for a woman barely known outside her 36th Congressional District, and who had only four months to acquaint herself with voters.

In the 52-year-old Harman, Democrats get government experience, campaign street smarts and independent wealth all rolled in one. That's something they don't get in the two other Democrats for governor, unless those two plan on marketing themselves as a package deal. In a year the party must hold majorities in the statehouse and California congressional delegation while beating an anti-labor ballot measure that could dent Democratic fund raising, it sounds great for the party pocketbook when business tycoon Al Checchi says he will spend millions of his own to take on Republican Attorney General Dan Lungren this fall. But for party insiders, it's tough to swallow that leading an airline prepares a man to lead one of the most demographically complex and politically important states in the nation.

And while Lieutenant Governor Gray Davis may have Checchi whipped in the government-resume department, he remains handicapped by the looks of a mortician and the charisma of a cucumber — two things Democrats fear will hamper him in a match against Lungren's handsome profile and forceful oratory. Not to mention that Democrats will be writing a lot more checks for a Davis candidacy than they will for Checchi's. And not all of them will be glad to do it. Some will never forget that in his 1992 race for the Democratic nomination to the U.S. Senate, Davis ran television ads comparing competitor Dianne Feinstein to Leona Helmsley, the New York hotelier convicted of tax evasion. "The whole idea was that she was a rich-bitch Jew," said one observer, who says Los Angeles-area liberals still consider the commercials anti-Semitic.

Harman, on the other hand, could give Democrats the best of both worlds. She has government know-how and the fortune her husband made manufacturing audio equipment, without Checchi's political immaturity and Davis' checkered history with party donors. The congresswoman has political credentials that date back to her teen years, when she was an usher at the 1960 Democratic National Convention in Los Angeles. Following Harvard law school, she worked for U.S. Senator John Tunney, was chief counsel for a Senate Judiciary subcommittee and had White House jobs as a deputy cabinet secretary and Defense Department special counsel before quitting to stay home with her children. In her nearly six years as a congresswoman, her voting record establishes her as a social moderate who favors abortion rights, but also the death penalty. She's a fiscal conservative with a strong record on the defense issues that are the bread and butter of her district. She is routinely described as hardworking and politically keen and was mentioned as a possible candidate for secretary of the Army. No one dares call her a dilettante.

Harman also is a tough campaigner. To win her district in 1992, she spent $2.3 million, the fourth highest amount of any campaign in the country that year. She spent $1.3 million and $1.6 million to beat back strong challenges in her re-election campaigns. Now, as then, she understands the importance of saturating television with her message early and often. She started airing TV ads less than three weeks after announcing her gubernatorial candidacy, and long before she ever gave reporters a detailed account of her stand on issues.

She has the blessing of most Democrats, even if her February decision to leave Congress left open a seat that could easily go to a Republican. Says one observer: "You can't ask a person who continuously has to put up their own money and campaign vigorously to do that every two years. Here she saw an opportunity to move up, and she took it."

Add one more thing to Harman's resume, wealth and street smarts: She is the only female gubernatorial candidate in a state where more than half the voters are women. That makes her appealing to pro-choice Republican women who dislike Lungren's opposition to abortion rights. In a year when a top party priority is electing a Democratic governor to preside over the next century's redrawing of political boundaries, that's a package Democrats can't help but find attractive.

Dana Wilkie is a Washington correspondent for the San Diego Union-Tribune.

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Campaign

A cynical and skeptical public knows the phrase "campaign ethics" is an oxymoron, but it may take a cataclysmic event to bring about a sea change of attitude on the part of the public and those who practice the campaign craft.

By James Richardson

Actor Robert De Niro, playing a disheveled political consultant in "Wag the Dog," a movie eerily evocative of President Bill Clinton's alleged dalliance with a young intern, cynically proclaims that for the news media the facts will never stand in the way of a good scandal: "What's the difference if it's true? If it breaks, it breaks." In the movie, De Niro manufacturers a diversion from the scandal by fabricating a war with Albania, and the president goes on to win re-election. "This is a shitty business," De Niro shrugs.

Voters might be forgiven if they believe that this is how real political consultants work.

Well, isn't it?

Indeed, the ethics of the character played by De Niro may not be that far removed from those of real campaign consultants. Sometimes it seems the only difference between De Niro's character and real consultants is that the real ones likely would have been caught — maybe. Dan Schnur, former communications director and campaign consultant for Governor Pete Wilson, noted that only one

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James Richardson, a former reporter for The Sacramento Bee, *is the author of "Willie Brown: A Biography" (University of California Press, 1997).*

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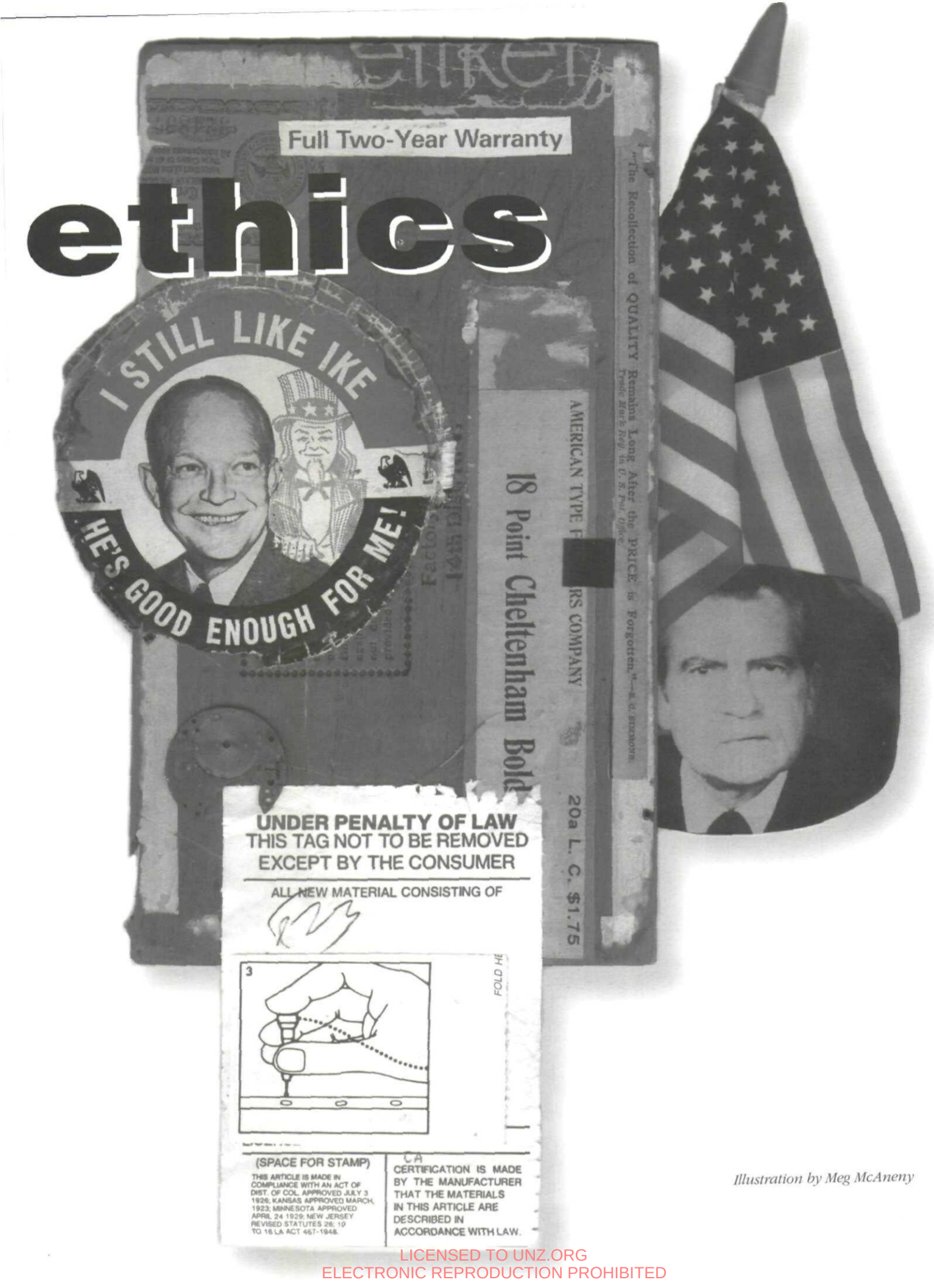
ethics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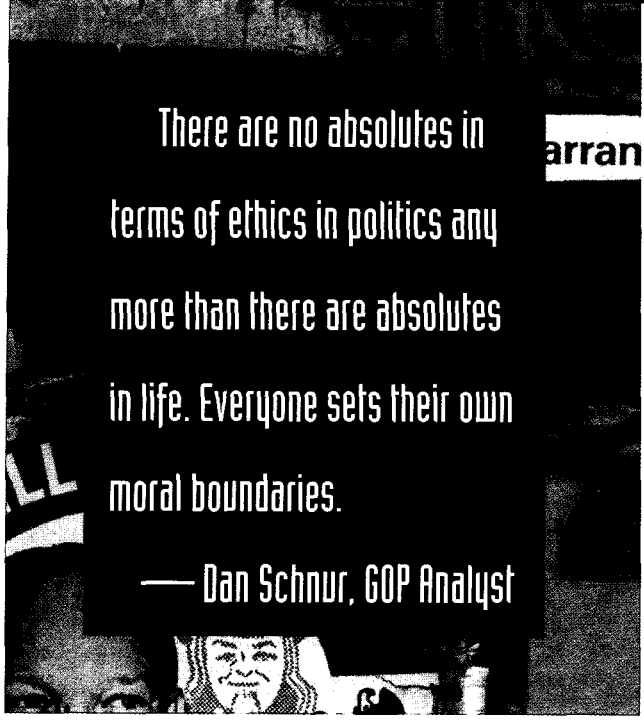
ethical boundary really exists for many in his profession: "Don't do something immoral and get caught on the six o'clock news."

It is trite but painfully true that "campaign ethics" is an oxymoron.

"The problem is that for a lot of campaign operatives, the end justifies the means," Schnur continued. "The ethic is that they are working for someone who is going to make California a better place, it is permissible to do anything to make that candidate win for the greater good."

Los Angeles-based political scientist Sherry Bebitch Jeffe, a former aide to the late Democratic Speaker Jesse Unruh who has become among the most astute observers of California politics, agreed that political ethics boil down to this: "Winning isn't everything, but losing isn't anything. That is the campaign ethic — always has been, always will be. If you have the noblest goal in the world, you can't do any of them unless you win."


There are no absolutes in terms of ethics in politics any more than there are absolutes in life. Everyone sets their own moral boundaries.
— Dan Schnur, GOP Analyst

Even so, there are a few ethical boundaries that most political practitioners will not cross. As a starting point, most would consider it unethical to stuff the ballot box with votes from the cemetery. Former Republican Representative Robert Dornan (R-Garden Grove) claims the modest equivalent to cemetery voting occurred in 1996 when supporters of Democrat Loretta Sanchez registered noncitizens to vote. Dornan has been crying foul since election night and taken his case to every venue that will listen, including to the well of the House of Representatives. While his legal argument crumbled, few would argue that someone did something unethical in Orange County.

Most also consider it unethical to recruit a candidate in the opposite party as a stalking horse to weaken a potentially stronger opponent. Such may have occurred when Republican leaders recruited a Democrat to funnel votes away from another Democrat in an Orange County Assembly race that ultimately landed Republican Scott Baugh in the Legislature — and under an indictment in 1996.

Other legislators have had their ethical standards challenged as well. In 1988, Republican Assemblyman Curt Pringle fended off legal challenges to his election after it was revealed that the Orange County Central Republican Committee had hired armed guards to patrol polling places in heavily Hispanic districts.

Legalities aside, do allegations of unethical campaign conduct feed an already skeptical, even cynical, public attitude about politics? At first glance, it would seem to be a fairly simple "yes." However, the answer may be more circular, with cynical public attitudes shaping the cynical behavior of politicians who use a cynical media to feed a cynical public. The metaphor used in the movie "Wag the Dog" is particularly apt, especially since it is not clear who is the dog and who is the tail, and just who is doing the wagging. Many of those in the political trade — Republican and Democratic politicians, the consultants they hire and the media representatives who cover them or sell ads — dismiss out of hand the notion that they share responsilbilty for creating public cynicism about politics. "Voters are grown-ups; they are used to advertising," said Bill Cavala, a long time political operative for Assembly Democrats and a consultant to the speaker's office. "If they don't like what they see, they throw it away."

That view is shared by some of Governor Pete Wilson's top advisers. Sean Walsh, his press secretary who also worked in his ill-fated presidential campaign said: "The governor thinks politicians should be encouraged to provide comparative analysis between you and your opponent. The label 'dirty and unethical campaign' is often slapped onto what is really hard campaigning."

Cavala argues that voter cynicism is closely connected to larger, national events rather than localized campaigns and scandals. All politics may be local, but all scandals are national or they aren't much noticed. There is considerable support for Cavala's view among political scientists. Jeffe notes that the Baugh indictment is not on the public radar screen in Southern California and is generally played on the inside pages of Southern California newpapers when it is played at all. Far-away presidential scandals shape public perceptions far more than do the scandals of local legislators. Indeed, nearly everyone interviewed for this article lapsed into a discussion of Clinton's latest sexual travails. "The single most important factor in politics in the last 30 years was Richard Nixon and Watergate; he changed everything and generally for the worse," said Cavala. "Who knows, maybe the president will take care of ruining the attitudes about politics of the next generation."

The attitudes of political practitioners about what is permissible in campaigns often is widely divergent from public attitudes. "There is a cultural dissonance between the public and the political practitioners," said Bruce Cain, acting director of the Institute of Governmental Studies at the University of California, Berkeley. "The people in the profession, and the people who cover it — or write about it like myself — are inoculated to the ethical practices. I find when I give a talk to people who are not following politics on a daily basis, they are shocked — just shocked — at the process."

Schnur observed, however, that if politicians and their consultants have an elastic sense of ethics, it is no more elastic than that of the public. "There are no absolutes in terms of ethics in politics any more than there are absolutes in life," said Schnur, who is teaching at Harvard University. "Everyone sets their own moral boundaries."

Newly elected Assembly Speaker Antonio Villaraigosa (D-Los Angeles) said there is a long-term impact of negative

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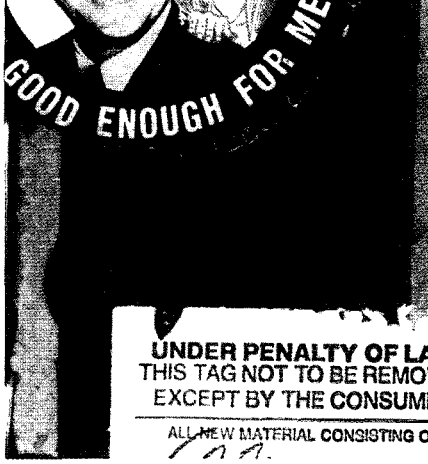
campaigning that politicians and their consultants have been loath to acknowledge. "People don't remember who was dirty in a campaign. They just remember it was a dirty campaign," he said. "Too many campaigns are campaigns about negativity — they're about what we're against instead of what we're for. I think people are getting tired of that."

ut Assembly Republican Leader Bill Leonard of San Bernardino said that voters are entitled to learn what is negative about each candidate. "If the opponent doesn't do it, they wouldn't find out otherwise," said Leonard. "The downside to dirty campaigns is if the campaign violates voter sensibilities, it will backfire on that candidate." Leonard said that he and about 20 of his colleagues from both parties recently have been quietly discussing officeholders' ethical standards during a weekly Bible study in the Capitol.

The politicians themselves are paying a price for the campaign methods they've helped create, seen most recently in the decision of Democratic U.S. Senator Dianne Feinstein to sit out this year's gubernatorial election. The prospect of slogging through another hard-edged, mudslinging campaign was pivotal in her thinking. "The state of the political process at this stage does not have a lot to redeem it," she glumly explained. "It is an inordinately difficult and debilitating process. Sure, it has moments of spontaneity, moments of real discussion on the issues, but by and large, it doesn't have anything uplifting or that takes you to your highest peak. It's not a good process."

Even so, Jeffe noted that negative and unethical campaigns are as old as the republic. "What's new is the development of voter cynicism," she said. "You can begin to chart it from the Vietnam War and Watergate. The visuals that came back from Vietnam did a lot to increase the skepticism of Americans about government pronouncements."



The "visuals" were television visuals, and it is the impact of television, both positive and negative, that is inescapable in any discussion of campaign ethics. "You can't separate the ethics of governance and campaigning from the techniques of media," Jeffe noted. As television technology has grown more sophisticated, so have the skills of campaigners, both with the commercials they produce and the news that is manufactured. Manipulating ("spinning") the news has become a major art of governance, blurring the lines between campaigning and holding office. "How do you separate out campaign behavior from how they behave in office?" said Jeffe. "I don't think you can separate that out."

Even so, the voters may not be as easily manipulated by television as some might think (or wish). As depressing as it may sound, cynicism — and a healthy skepticism — may be necessary survival skills for voters living in an electronically based democracy.

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"The electorate has become more cynical, but not necessarily more cynical about politics at any faster rate than anything else being sold on television," said Schnur. "If you go back and look at commercials from the '50s and '60s, you'd be struck by how unsophisticated they were. Forty years ago, consumers did believe that one brand of soap makes a shirt whiter than another. Consumers, and voters, no longer take things at face value."

Political scientists have noted a paradoxical trend. Even as voters claim to be increasingly alienated from the political process, they tend to have affinity for their local politicians. Republican Assemblyman Baugh, for example, won his first full election in November 1996 although running under the cloud of a criminal indictment. Ten years earlier, then-Assemblyman Jim Costa (D-Fresno) won re-election despite a conviction for picking up an undercover policewoman posing as a prostitute. Costa has since gone on to a seat in the state Senate.

"People tend to like their representative," said Cain. "Once they get to know their representative, they tend to like that representative. People who by all rights should be very unpopular become 'Teflon' candidates." If anything, he said, public trust correlates heavily with economic indicators, not ethical standards. "Voters are incredibly forgiving if times are good. If times are bad, people are incredibly harsh," said Cain.

Jack Citrin, a UC Berkeley political scientist who has written extensively on the trend, said that American political culture historically has been skeptical of politicians. With the advent of television and other instant media, attacks by politicians on each other have become harsher and more polarized — and the political culture is paying a long-term price. "It's increasingly difficult for candidates to remain attractive to voters for a long period of time," said Citrin. "The practitioners are cynical. The voters are cynical. Unethical practices and scandals are just absorbed into a culture that is used to this kind of revelation and scandal."

Schnur believes that it will take all three corners of the political culture — the public, the political practitioners and the broadcast media — to bring about a significant improvement in the political process. "There is no way the voters can make it better unless the other two players are working on it at their end."

Toward the end of "Wag the Dog," actress Anne Heche, playing a jaded but frustrated presidential campaign aide, found one solution — she smashed a portable television to bits.

"What did television ever do to you?" a baffled De Niro asks her.

"It destroyed the electoral process," she replies.

In real life, bringing public confidence back into the electoral process may require more than breaking a few TV sets. "It's going to take some kind of cataclysmic event to get a sea change," said Schnur.

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A California Journal Analysis
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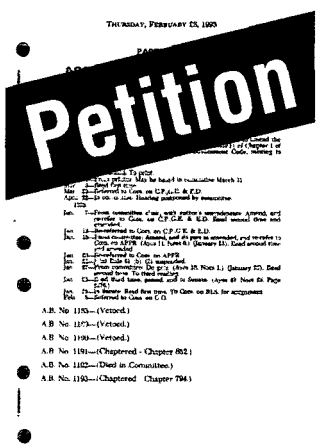
Proposition numbering

In 1983, the Legislature passed a law requiring that ballot measures be numbered consecutively from election to election, beginning with the November 1982 election. The law was designed to keep voters from confusing different ballot measures which may have had the same proposition number but were voted upon in different years. Since 1982, 218 propositions have appeared on statewide ballots, thus the current crop begins with Proposition 219. The law as amended in 1996 provides for a 10-year turnover, so the ballot odometer rolls back to "Proposition 1" in November 1998.

Proposition 219

A constitutional amendment that prohibits any statewide initiative from including or excluding a county from its effect depending on how that county voted on the measure.



Background: Californians vote on a variety of state and local measures — initiatives, referenda, constitutional amendments, bonds and revisions to local charters. Historically, statewide ballot measures are designed to be just that — statewide. All counties are included in the measure's effect, regardless of whether a majority of voters in any individual county approved the measure. However, Proposition 172 on the November 1993 ballot was different. The measure, promoted by Governor Pete Wilson, enacted a statewide sales tax increase targeted for the support of law enforcement, but it provided that the revenues from the tax increase would go only to those counties that voted in favor of the measure. As a result, some people who would otherwise have voted "no" may have voted "yes" to ensure that their county received some of the money. Another issue of "ballot targeting" occurred in a 1994 local election in Sacramento County. Most ballot measures identify a specific policy that would be adopted if the measure passes — a tax, a bond, a new police policy, etc. But Measure A, a local sales-tax increase ostensibly designed for law enforcement, proposed different outcomes based on the number of votes cast in support. If the measure had been approved by a two-thirds majority of voters, the money would indeed have been targeted toward law enforcement. But if only a majority of voters approved, the measure would have gone to the general fund. In both cases, critics argued the intent of the provisions was to offer a carrot and a stick to a core of voters that traditionally oppose any tax hikes.

Proposal: Proposition 219 mandates that state and local ballot measures apply in the same way in all parts of the jurisdiction (i.e., the state or a local government) affected by the measures, regardless of how any individual part of that jurisdiction voted. A ballot measure could not apply only in those areas that voted in favor of the measure. Proposition 219 also prohibits ballot measures from containing alternative or additional provisions that would be enacted depending on the percentage of votes cast in favor of the measure.

Arguments for: Supporters include California Secretary of State Bill Jones, the Howard Jarvis Taxpayers Association, and Common Cause. They argue such provisions amount to "ballot box blackmail" by politicians. They contend that by prohibiting political discrimination against the residents of a city, county or other local jurisdiction because of their vote for or against a particular ballot measure, Proposition 219 will guarantee that benefits of all ballot measures will be provided fairly to the people of every community in California.

Arguments against: No arguments against the measure were submitted to the Secretary of State's Office. However, the controversial ballot provisions have been historically defended as being necessary to break through ingrained anti-tax sentiments and restrictive vote require-

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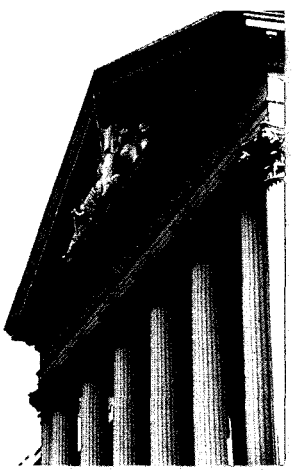
ments that, local governments contend, have kept them from receiving the revenue they need to operate basic services.

— *Tippy Young*

Proposition 220

A constitutional amendment that would let judges of each county consolidate that county's municipal courts into a unified superior court.



Background: California's county courts are divided into two different sections. Superior courts generally handle the big stuff: Felonies, family law and civil suits involving more than $25,000. Each county has a superior court district, and there are a total of 805 superior court judgeships. Municipal courts generally handle misdemeanors, infractions — such as speeding tickets — and most civil lawsuits involving disputes of $25,000 or less. Counties are divided into municipal court districts based on population, and there are now 675 municipal court judgeships. Current law allows for consolidation of some staff and services, and municipal judges are allowed to hear the bigger cases, but by and large, the two have remained separate. As the crime rate rose, and with the enactment of the 1994 "three strikes and you're out" law, however, local courts — particularly in urban areas — found an imbalance. Superior court dockets were overburdened, and municipal judges found their dockets crowded with felony cases. In addition to requesting a state bailout of the costs associated with maintaining the courts, some localities also wanted the flexibility to consolidate the two court systems.

Proposal: Proposition 220 permits superior and municipal courts within a county to consolidate their operations upon approval by a majority of superior court judges and a majority of municipal court judges in the county. Such consolidations would abolish municipal courts and create a unified superior court. In addition, the measure makes a number of other related and conforming changes to the constitution regarding municipal courts, and to the minimum qualifications and election of judges in consolidated courts. The legislative analyst estimates that to the extent most courts choose to consolidate, there would likely be annual net savings in the long term. In addition, a state buyout of local court financing, approved last year by the Legislature, includes some additional incentives for courts that unify.

Arguments for: Supporters include its legislative author, state Senator Bill Lockyer (D- Hayward), as well as the Howard Jarvis Taxpayers Association, the Judicial Council, the California State Association of Counties and the California State Sheriffs Association. They argue the measure will increase the effectiveness of the state's "three strikes" law. By unifying the courts, they argue, more judges will be available to handle the explosion of criminal cases now clogging the system. It will also, they contend, make enough room in judicial schedules to allow for the hearing of some long-delayed civil cases. Supporters also contend this plan will improve the courts and save taxpayers money by combining the functions of local courts and reducing the need for new judges.

Arguments against: Opponents include the National Tax Limitation Committee and Mike Reynolds, the author of the "three strikes" law. They argue the measure has nothing to do with preserving the "three strikes" law — they say it actually serves as a detriment to the enactment and implementation of "three strikes." By unifying the trial courts, Proposition 220, they say, will eliminate an efficient system of justice for small, but important, civil and criminal cases, while elevating every municipal court judge to the superior court with a pay raise. Rather than elevating the status of municipal judges, they contend that the state Legislature should instead create new judicial districts to correspond with the state's expanding population.

—*Tippy Young*

Proposition 221

A constitutional amendment that would give the state Commission on Judicial Performance authority to discipline subordinate judicial officers.

Background: As criminal and civil cases have become more complex and numerous, court districts have increasingly come to rely on court commissioners and referees — generally referred to as subordinate judicial officers — to handle certain matters that come before the local courts. Typically, these subordinate officers handle cases where the law is clear and the details of the case are largely undisputed such as with traffic citations, relatively settled family and ju-

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venile matters and small claims cases. In some cases, they serve as temporary judges and hear more complex cases when the parties agree. There are about 370 commissioners and referees throughout the state. Their lack of an official judge's title has precluded these officers from being monitored by the agency that oversees the performance of judges — the state Commission on Judicial Performance. Discipline of these court officers has fallen to the judges and the judicial district for whom they serve.

Proposal: Proposition 221 would give the Commission on Judicial Performance authority to oversee and discipline court commissioners or referees at its discretion, just as it does for judges. The measure provides that a person who is found unfit to be a commissioner or referee by the Commission on Judicial Performance may not serve as a commissioner or referee. The legislative analyst estimates that to the extent the Commission on Judicial Performance chooses to provide oversight and exercise discipline over court commissioners and referees, the state would incur minor additional costs.

Arguments for: Proponents include the author, state Senator Tim Leslie (R-Roseville), the Family Guardian Network, the Judicial Council and the Los Angeles County Superior Court, Juvenile Division. They contend Proposition 221 improves the accountability and fairness of the state's judiciary. Court commissioners, they argue, have the capacity to arbitrarily deny a parent the right to visit with his or her own child. The measure, they contend, allows for the discipline of commissioners who make poor legal decisions by granting the Commission on Judicial Performance the authority to review complaints that appointed commissioners are biased, unqualified, prejudiced or incapable of rendering good legal decisions because of conflicts of interest.

Arguments against: No official arguments against Proposition 221 were submitted, although the California Court Commissioners Association has argued that such legislation is unnecessary. Since subordinate officers are hired by the judges themselves, the association has argued that it makes sense that the presiding judges handle their oversight, rather than the statewide body.

— Tippy Young

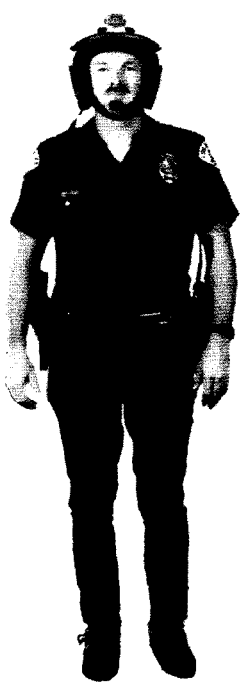
Proposition 222

A statute that would prohibit convicted murderers from earning conduct credits to reduce their sentences and forbid anyone convicted of murdering a peace officer from being paroled.

Background: In California law, there are two kinds of murder: First-degree murder, in which the crime is deemed to have been premeditated or to have occurred in the course of commission of a certain crime, and second-degree murder — basically everything else. Under state law, only those convicted of first-degree murder are eligible to receive the severest penalties — life without possibility of parole or, in cases with special circumstances, death. Current law provides that the penalty for second-degree murder of a peace officer — that is, non-premeditated murder — is punishable by anywhere from 25 years to life in prison. Victims' rights organizations and those representing peace officers have contended that, with good-time credits, those who kill police officers could serve significantly less than the 25-year minimum. Assembly Bill 466, by Assemblyman Rod Pacheco (R-Riverside) proposed changing this law to make second-degree murder of a peace officer punishable by life without parole. It also eliminates any good-time provisions for those convicted of murder who receive less than a life sentence. Although the measure was approved by both houses of the Legislature and signed by Governor Pete Wilson, state law requires that significant changes in this type of penalty be ratified by the voters before becoming law.

Proposal: Proposition 222 essentially creates a new crime — aggravated second-degree murder of a peace officer — and fixes the penalty as life without the possibility of parole. The measure also eliminates a duplicative provision in the Penal Code, and provides that no person convicted of murder is eligible to receive credits that reduce the time he or she spends in state prison. The legislative analyst estimates that the fiscal impact of this proposition would probably be minor.

Arguments for: Proponents include the bill's author, Pacheco, as well as Governor Pete Wilson and most of the organizations representing both labor and management in the area of law enforcement. They argue Proposition 222 helps keep violent cop killers off the streets by closing a loophole in California law that allows those who kill police to be released early on parole. The measure, they say, will prevent criminals currently serving time for murder from manipulating the work credit system and require them to serve their entire prison sentence. The effect, they argue, is to guarantee that criminals convicted of murdering a peace officer will not be released on parole.



Arguments against: No opposing arguments were submitted to the Secretary of State. However, legislative opponents to Pacheco's bill included the American Civil Liberties Union, California Attorneys for Criminal Justice, and the California Public Defenders Association. They argued such sentence enhancements have little impact on crime, and that the provision is meaningless, since those convicted of second-degree murder of a peace officer are seldom paroled early.

— Tippy Young

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Proposition 223

An initiative that limits school spending on administration.

Background: The idea that there is too much administrative fat in the state's schools is one of the few things on which those with otherwise disparate views on school reform agree. At the same time, the concept of "performance-based budgeting" is a notion gaining considerable support among many educators and parents concerned that there be some consequences for districts that continue to perform poorly. Proposition 223 seeks to wed the concepts in an effort to increase administrative efficiency, all under the banner "95-5" — 95 percent to the classroom, 5 percent to administration. Proposition 223 is not specific about how performance budgeting would actually be implemented in local districts, which would be required to get an independent evaluation every five years, beginning in 2004-2005. The legislative analyst estimates costs of approximately $10 million annually to implement performance budgeting, plus some $20 million every five years for the independent performance audits. In 1996-97, K-12 public schools in California spent about $34 billion from federal, state and local sources. Also at issue in the measure is exactly what would count under the 5 percent that goes to administration. According to the Legislative Analyst's Office, some expenses are "easy to classify" based on the definitions in the initiative — teacher salaries are clearly a direct service, for example, while board and superintendent costs are clearly administrative. But other expenses are more difficult to define within the 95-5 requirements: printing and duplication expenses, for example, that are prepared in a central administration location rather than at a school site. Based on "current reporting practices," the LAO estimates that districts spend an average of 7.3 percent on administrative costs — about $700 million more than the initiative would allow. The proposition imposes stiff fines — approximately $175 per student — on districts that fail to comply.

Proposal: Proposition 223, referred to by supporters as the "95-5" initiative, requires each of California's 994 school districts to limit certain administrative costs to 5 percent of all federal, state and local funds received, beginning in 1999-2000. Presumably, this means that 95 percent of all funds will go to the actual education of children in K-12, including the salaries of classroom teachers. It also requires each school district, beginning in 1998-99, to tie its annual budget to specific outcomes, generally related to improvements in student performance. Penalties are imposed for non-compliance.

Arguments For: Prop. 223 proponents — principally the United Teachers of Los Angeles, U.S. Senator Dianne Feinstein and Los Angeles Mayor Richard Riordan — argue that California school districts are rife with "wasteful spending" practices that translate into fewer dollars for the education of children. Tax dollars, they argue, should be spent at the school sites, rather than on administrators at central offices. The national average for administration is a little under 5 percent while California, they contend, spends twice that, and a few districts are in the range of 20 percent. Priority in education should be placed on smaller class sizes, more teachers, updated textbooks, computers, after-school programs, an end to social promotions, as well as cleaner and safer schools. Proponents also claim the initiative will shift $500 million-plus per year to direct services for school children.

Arguments Against: Opposition to Proposition 223 is being led by the Association of California School Administrators, which says it plans to raise $1 million to defeat the measure. Also opposed are the California PTA, the California Association of Suburban School Districts and the Small School Districts Association. They contend the initiative would severely harm small and mid-size school districts by imposing the 5 percent limit, putting money instead into the massive L.A. Unified School District. They say the comparisons between California and other states are "phony," and that the initiative uses misleading statistics and categories that, for example, would place a school bus mechanic in the "administrative" category. The California PTA argues that Proposition 223 "locks in" a 95/5 formula that most school districts "lack the economy of scale" to meet, thus penalizing smaller schools. The California Teachers Association has taken a neutral stance on the initiative.

— *Sigrid Bathen*

Proposition 224

An initiative affecting the use of private contracts for state design and engineering projects and instituting a new process for determining which projects, if any, could be contracted out.

Background: One of the most contentious and sometimes ideological arguments in the public sector is that of over contracting out for public services. Private contracts for such things as prison construction and highway design and are viewed by public employees unions as a direct threat to their jobs and livelihoods. The agencies that enter into the contracts say they allow them to do more work with less money without the bureaucratic headaches normally as-

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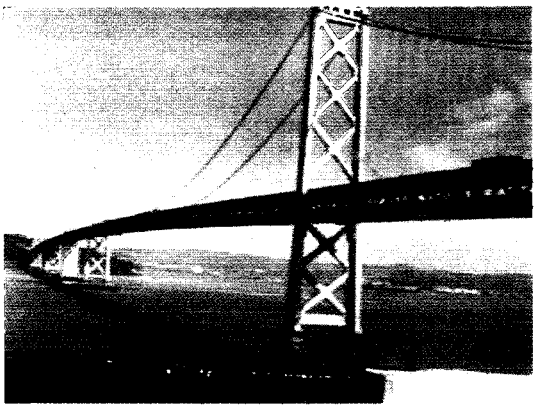
cribed to government work. The battle is especially pitched in the area of highway construction. In 1989, then-Governor George Deukmejian signed a law opening the way for private contractors to be used to design and build toll roads, including a major toll-road project in Orange County. The Professional Engineers in California Government, the union representing the majority of Caltrans' civil service road engineers, balked and began a long court battle with Deukmejian and subsequent administrations. A superior court judge invalidated much of the law, citing constitutional limitations on outside contracting. But after a series of legal wrangles, the Legislature and Deukmejian's successor, Pete Wilson, tried again in 1993 with legislation authored by then-Senator Marian Bergeson. PECG challenged that law as well, and it, too, was overturned, a ruling that was upheld last year on a 5-2 vote of the state Supreme Court. In the meantime, Caltrans continued to find work for private contractors, most notably and visibly in the rapid repair of the Santa Monica Freeway, which was damaged in the 1994 Northridge earthquake. While it pursued its court challenge, PECG began circulating this initiative, further upping the ante in its ongoing legal and political struggle with the Wilson administration.



Proposal: Proposition 224, referred to as the Government Cost Savings and Taxpayer Protection Amendment, requires that any state contract for engineering, architecture or the like that exceeds $50,000 in value be let only in a public process with sealed public bids. The bids would be assessed using a cost analysis prepared by the state controller. The formula for that analysis, included in the initiative, requires that only additional direct costs to the state be used to assess the state's bid, while private contractors would have to enumerate all of their anticipated costs, as well as those of the state for monitoring the contract. The controller or the contracting entity would also be empowered to overrule any outside contract if it determined the contract would adversely affect public health or result in a lower quality of work.

Arguments for: The primary proponent is the Professional Engineers in California Government, but an array of public employee unions also back the measure, including the California Correctional Peace Officers Association and

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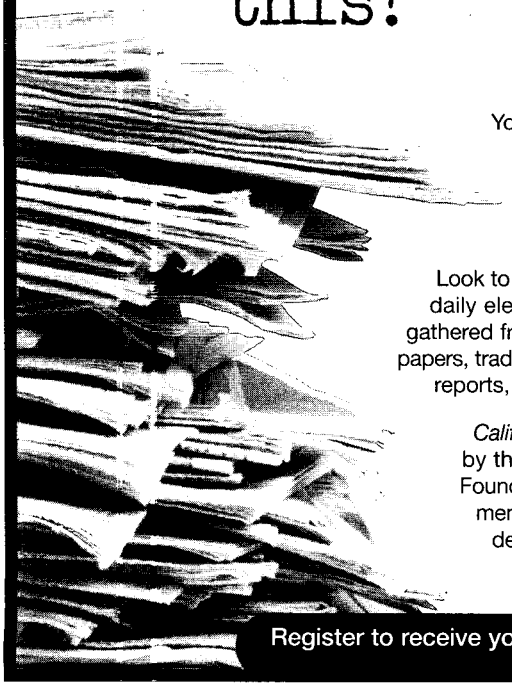

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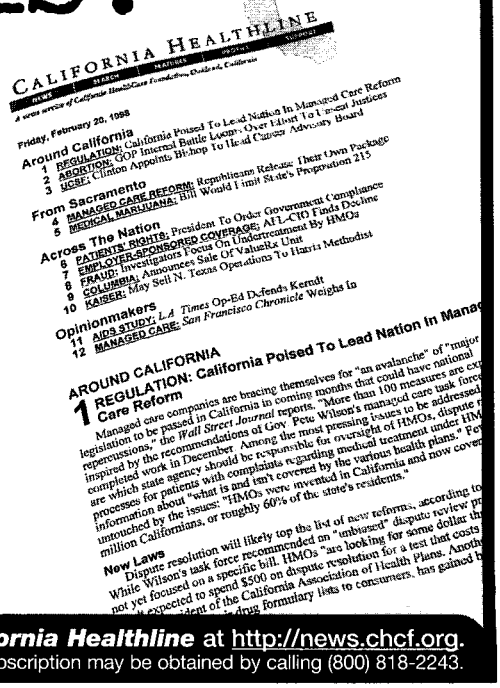
CALIFORNIA HEALTHLINE

Friday, February 20, 1998

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AROUND CALIFORNIA

1 REGULATION: California Poised To Lead Nation In Managed Care Reform

Managed care companies are bracing themselves for "an avalanche" of "major legislation to be passed in California in coming months that could have national repercussions," the *Wall Street Journal* reports. "More than 100 measures are expected to be introduced in the state Legislature this year, many of them inspired by the recommendations of Gov. Pete Wilson's managed care task force, which completed work in December. Among the most pressing issues to be addressed are which state agency should be responsible for overseeing medical treatment under HMO processes for patients with complaints regarding medical treatment under HMO plans." For information about "what is and isn't covered by the various health plans and now covered untouched by the issues; "HMOs were invented in California and now cover [illegible] million Californians, or roughly 60% of the state's residents."

New Laws
Dispute resolution will likely top the list of new reforms, according to [illegible] While Wilson's task force recommended an "unbiased" dispute review process, [illegible] not yet focused on a specific bill. HMOs "are looking for some dollar [illegible] expected to spend $500 on dispute resolution for some dollar [illegible] dent of the California Association of Health Plans. Another [illegible] drug formulary lists to consumers, has gained [illegible]

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the California State Employees Association. Other labor organizations, such as the AFL-CIO, also support the measure, as does the California Democratic Party. They argue that private no-bid contracts waste taxpayer dollars and are a threat to public safety. They contend private design contracts are often awarded to large campaign contributors, and that there is no accountability in the process, leading to the potential of inadequate or poor-quality work. They contend the cost-analysis formula to be used by the controller is a more accurate comparison than the strict matching of costs, since private contracts have the ability to "lowball" their estimates in order to undercut state costs.

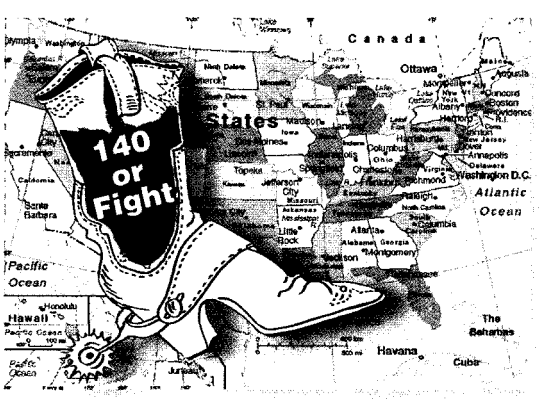
Arguments against: Opponents include the California Chamber of Commerce and other business and trade organizations, as well as a host of public agency organizations, among them the League of California Cities and the California State Association of Counties. Some individual AFL-CIO locals also oppose the measure, as does the California Teachers Association and the California Republican Party. Opponents argue the initiative is a "competition killer," designed to eliminate the use of any private contractors in state government projects. They contend the "cost analysis" process for the bidding is rigged to favor state civil service engineers. They argue the measure could cost the state thousands of construction jobs by creating a state monopoly for virtually all contracts. They also contend the measure will establish a new bureaucracy in the controller's office, in effect making the controller the state's "contract czar."

— *Steve Scott*

Proposition 225

An initiative statute calling on California's elected officials to help enact a constitutional amendment to impose term limits on members of Congress.

Background: The notion that the terms of elected officials should be limited in some way has been knocked around since the formation of the Republic. It wasn't until 1990, though, that the concept of limiting the terms of legislative officers really caught fire with the passage in California of Proposition 140. Two years later, voters adopted Proposition 164, which extended term limits to the state's Senators and members of Congress. But while the courts have since upheld the state's authority to limit its own legislators, congressional term limits are a much dicier proposition, since the qualifications for holding office are determined not by the state, but by the federal Constitution. Supporters of state-enacted congressional term-limits argued they were entitled to make the change, since states are charged with responsibility for determining the shape and makeup of the ballot itself. When an Arkansas congressional term-limit law reached the U.S. Supreme Court, it ruled state-imposed term limits unconstitutional, effectively invalidating Proposition 164. So term limit advocates went back to the drawing board and came up with a new strategy: the "advisory" ballot measure. Voters in states with the initiative process would be asked to say whether or not they wanted their representatives to support term limits. Since these measures are not legally binding on the state's representatives, they are not subject to court challenge. They could, however, become a powerful political tool in the hands of those advocating term limits. Voting against a federal constitutional amendment limiting terms would, in effect, be construed by advocates as a vote against the will of the people.



Proposal: Proposition 225 declares that it is the official position of the people of California that its elected officials should vote to amend the U.S. Constitution to limit a person to no more than two terms as a senator and no more than three terms as a representative. The measure instructs the California Legislature to ask Congress to enact such an amendment. If an amendment is proposed by Congress, the measure instructs members of the Legislature to vote to ratify it. The measure requires that voters be informed if a candidate for Congress or the Legislature has failed to support the congressional term limit amendment. The legislative analyst estimates relatively minor costs to the state and to counties.

Arguments for: Supporters of Proposition 225 include the Washington, D.C. based organization, U.S. Term Limits. They say term limits return government to its citizen roots. By turning out members of Congress every few years, they say government will become more responsive and relate better to its constituents. They also maintain that, notwithstanding the problems faced by past congressional term-limit proposals, this measure is clearly constitutional, since it doesn't formally bind legislators to a particular vote.

Arguments against: Formal opponents include the Sacramento City Taxpayers' Rights League, but opposition to term limits of any sort exists among elected officials in both parties. They argue term limits serve as a power source to lobbyists and corporations trying to put pork-barrel bills through the Congress. Term-limited legislators, they contend, are less informed and more susceptible to special-interest maneuvering and the influence of large campaign donors. They also suggest the "advisory" vote amounts to a "witch hunt," in that the initiative requires our elected officials to be investigated and branded for their thoughts on term limits.

— *Tippy Young*

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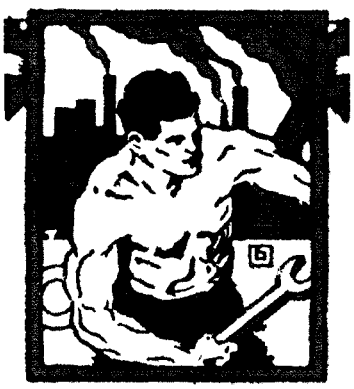
Proposition 226

An initiative requiring that all employees must annually give their permission to labor unions and employers before their dues or wages can be used for political activities.



Background: For most of the last several decades, political contributions at the national, state and local levels have followed a predictable, some would say comfortable, pattern: Big business goes Republican; big labor goes Democratic. When it contributes money, business simply allocates from its corporate revenue. Labor gains its financial clout through its collection and use of union dues. By and large, members don't control how their dues are spent, although California law does allow union members to request that their dues not be used for political activities. In the 1990s, labor has become more sophisticated in how it has wielded political clout. In 1995, a school voucher initiative was defeated in large part because of an expensive opposition campaign financed by the California Teachers Association, financing derived from a special dues assessment. The CTA also killed an initiative backed by Governor Pete Wilson that would have given him broader control over the state budget process and has run issue advertising against Wilson during several budget fights. In all cases, funding for these campaigns came from union dues. In 1996, a labor-backed independent expenditure campaign, estimated at between $30 million and $60 million, sought to return control of the Congress to Democrats. While the national objective failed, the California Assembly, which had been Republican, returned to Democratic hands. Republicans denounced the "labor bosses" who organized the campaign, claiming members' dues were used against their will for these political efforts. When a trio of Orange County Republican activists who had also been involved in voucher campaigns decided to run an initiative requiring a "check-off" before union dues could be diverted to political campaigns, it quickly became the national GOP's top priority in the area of "campaign reform." Wilson — oft burned by labor-sponsored campaigns — became the measure's statewide chairman. Conspicuously absent from the effort, either in planning or execution, is the business community. The California Chamber of Commerce and many of the state's top corporations have remained neutral to this point, saying they don't want to engender backlash at contract time from the unions who represent their employees. (For more detail on the politics of the initiative, see "Mutually Assured Destruction," *California Journal*, February 1998.)

Proposal: Proposition 225 requires that employers and labor unions receive written annual permission from employees and union members before using any payroll deduction for political purposes. The initiative requires that a specific form be used to obtain that permission, the form itself to be developed by the state Fair Political Practices Commission. Although it includes employers, most of the effect of this provision will be felt by labor unions. The initiative also enacts into state law the federal ban on acceptance of campaign contributions from a foreign national.

Arguments for: The measure's sponsor, the California Foundation for Campaign Reform, is joined by Governor Pete Wilson, former Vice President Dan Quayle, school voucher advocate J. Patrick Rooney, the California Republican Party and a host of GOP officeholders. They contend Proposition 226 is a "paycheck protection" act for union members. They argue most union members have their dues diverted to political activity without their knowledge or consent. They contend that if given the option to choose, many union members would opt out because they don't like what their leaders are doing. While conceding the reduction of labor's influence in elections would be a by-product of the measure, backers insist their intent was not to debilitate labor and that unions would still be able to participate politically, if their members acquiesce through the checkoff.

Arguments against: Opponents include virtually all of organized labor, with the opposition being led by the California Teachers Association, the California Professional Firefighters, and the California Labor Federation. Also opposed is the Congress of California Seniors and the California Public Interest Research Group (CalPIRG). These groups contend the measure's real intent is to keep workers and their agents in organized labor from having any meaningful influence on the political process. They contend business political contributions already outweigh labor contributions by a 10-1 ratio and would disappear altogether under this measure. Opponents suggest the real motivation behind this initiative comes from out-of-state interests, including voucher supporters who are eyeing another run at the issue in California. They further contend Wilson's support is political payback aimed at the teachers unions for their activism against his budget policies.

— Steve Scott

Proposition 227

An initiative statute that ends bilingual education and proposes English-immersion programs for limited-English proficient students

Background: In California, the struggle between those urging linguistic diversity and those advocating a single common language is as old as statehood itself. The original

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1849 state constitution was published in two languages — English and Spanish. A few decades later, a revised constitution included the nation's first "English Only" provisions. More recently, California voters have passed "English Only" ballot propositions by lopsided margins, even as increased immigration from around the world turns Los Angeles County into a linguistic smorgasbord. Nowhere are these linguistic tensions more intense than in the public schools. Nearly 1.4 million public school students — a quarter of all students statewide — are identified as having "limited English proficiency" (LEP). Nearly 60 different languages are represented among these students, with nearly 80 percent speaking Spanish as their primary language. The problem: How to help these children learn English without having them fall too far behind their classmates in other subjects, such as reading, math and social studies. The best-known, and most controversial, means of providing this assistance is through bilingual education. Several different approaches are used in schools, but services are usually provided in one of three ways; by specifically teaching students English during a part of the school day; through the use of special materials or aides; or, by teaching students in their native language. Bilingual education was the law in California throughout the 1970s and '80s, but the programs themselves became more and more controversial. Critics of the program claimed bilingual students weren't getting enough instruction in English and that it was taking years to "mainstream" them. Supporters of bilingual education, meanwhile, complained there weren't enough bilingual teachers to make the program work. In 1987, a legislative stalemate precipitated by the clash of these orthodoxies caused the state's bilingual education law to lapse, making the program optional for districts. Since then, lawmakers have tried repeatedly to bridge the gulf between bilingual advocates and those who favor a "sink or swim" approach to English and educational instruction. The most recent legislative attempt, a bipartisan effort, stalled in the Assembly because of opposition from the Legislature's Latino Caucus and then-Assembly Speaker Cruz Bustamante. As the political maneuvering continued, parents and educators became more and more frustrated. Some 100 school districts dropped their bilingual programs, mostly because they have neither the money nor the qualified instructors to maintain them. Statewide, only about a third of all LEP students receive any instruction in their native tongue. Meanwhile, immigrant parents became increasingly dissatisfied with their children's lack of progress learning English. That aggravation boiled over two years ago when Latino parents at Los Angeles Unified's Ninth Street Elementary School boycotted the school. The parents maintained the school's bilingual program was hurting their children, and they wanted more English immersion classes. Silicon Valley entrepreneur Ron Unz, a one-time gubernatorial primary challenger to Governor Pete Wilson, took an interest, and with the help of English-immersion advocate Gloria Matta Tuchman, developed Proposition 227. To date, Unz has contributed roughly $600,000 of his own money to the effort, accounting for roughly two-thirds of the total spending to date.

Proposal: Proposition 227, dubbed by supporters as the "English for the Children" initiative, mandates that, except where exemptions have been granted, bilingual education is prohibited, and all public school instruction will be conducted in English only. Limited English proficient students would be placed in one-year sheltered English immersion classes and then mainstreamed into regular classes. Students above the age of 10 could receive lessons in a language other than English if permission triggered by parental request is granted, and all parties to the child's education agree he or she would be better served in a bilingual program. Existing appropriations for bilingual education would be maintained, with the bulk of the money transferring over to the English immersion program. The measure also provides for $50 million a year for 10 years to train adults to tutor LEP students in English.

Arguments for: The primary supporter and financial contributor to the measure is Unz. He is joined by English immersion advocate Tuchman, the California Republican Party and Jaime Escalante, the Latino teacher profiled in the movie "Stand and Deliver." Supporters argue children, particularly those at younger ages, are easily transitioned into English if they are immersed in the language. They say bilingual education based on native-language instruction reinforces the native language, rather than providing the necessary English language skills. Too few children move out of bilingual programs each year, they contend, for the program to be considered successful. The importance of English proficiency for economic and social success, they say, justifies an emphasis on these language skills, and any setback in learning in other subjects, will be, they argue, temporary. They also maintain that if bilingual programs are supported by parents and are proven to be working, the initiative allows them to continue.

Arguments against: Opponents of the initiative include a number of education groups, among them the California Teachers Association, the California PTA, California School Boards Association and the Los Angeles Unified School District. A number of Latino activist groups, such as the Mexican American Legal Defense and Educational Fund, also oppose the measure. They contend bilingual programs are working and the extent to which they don't is more a function of the lack of qualified teachers than of any inherent flaw in the system. They argue the measure's supporters understate the time it takes to gain fluency and, without the help, students will fall further and further behind in other subjects. Opponents further argue the initiative's broad-brush approach will throw out good bilingual programs along with the bad, as the waiver system is too complex and restrictive. Teachers worry they will be held personally liable if they continue to provide dual-language instruction. Critics also say that, like the 1996 affirmative action initiative, Proposition 209, the Unz initiative, is an attempt to "scapegoat" minority populations by attacking programs that help them advance.

— *Steve Scott*

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State of the State

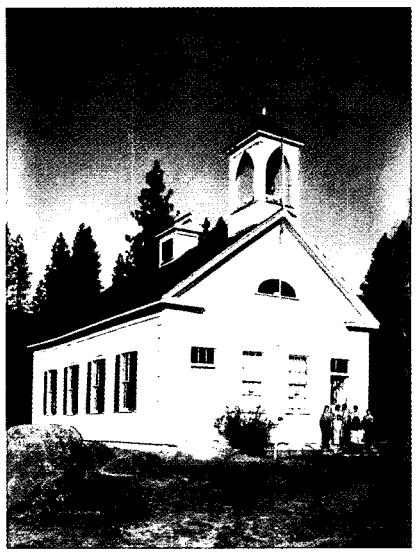
commentary

by Lance T. Izumi

Education Standards

One of the most frustrating problems with education policy-making today is the persistent tendency to view issues in isolation rather than viewing them as part of a larger whole. Take, for instance, the debate over California's new math standards.

So far, the controversy surrounding the math standards (adopted by the state Board of Education in December) has largely centered on whether the standards should emphasize conceptual understanding and problem-solving or computational and fundamental skill-building and getting the right answer. Under the draft math standards sent to the Board of Education by a state advisory commission, there was greater emphasis on the former. The board, however, reworked the draft to strengthen the latter. For example, whereas the commission's draft asked fifth graders simply to "understand very large and very small numbers," the board-approved standards require students to "compute with very large and very small numbers."



The difference between the two types of standards is real and important. The board's standards are similar in emphasis to those adopted by Virginia, which are widely viewed as among the best in the nation. Indeed, a report by the Thomas B. Fordham Foundation concluded that California's math standards were better than Japan's. University of Michigan Professor Harold Stevenson, who worked on the recently released Third International Mathematics and Science Study, has said that the state board's standards are "a vast improvement in terms of clarity and application over the [advisory commission's] version."

Despite such support, state Superintendent of Public Instruction Delaine Eastin, a vocal critic of the board's standards, recently urged local educators to "ignore the board's standards." Although bad press forced Eastin to backtrack a bit, others, such as Los Angeles Unified School District (LAUSD) Superintendent Ruben Zacarias, have not. In a February memo, Zacarias said that the state board's standards will have no effect on LAUSD because LAUSD's own standards "include and go beyond the state board's standards."

Go beyond? How?

According to Zacarias, LAUSD's math curriculum delivers a "balance of problem-solving, basic skills and conceptual understanding." In other words, Zacarias believes that inclusion of "new, new math" fuzziness in LAUSD's standards automatically makes them better than the board's standards. This is ironic since in 1997 LAUSD's math scores in grades 1-10 ranked in the bottom third and bottom quarter of scores nationally.

Zacarias' intransigence underscores the point that standards, even very good standards like those adopted by the board, will have muted effect on public schools unless California is willing to change its system of delivering education services. Without outside competition, education bureaucrats will always find ways to preserve the status quo.

For good standards to have their optimal effect, they must be combined with an opening up of the education marketplace. The current near-monopoly of centrally-controlled, government-run schools should be replaced with a market that also consists of unlimited charter schools (autonomous site-run public schools) and widespread school choice (vouchers). According to a study by Harvard economics professor Caroline Minter Hoxby, such increased competition would actually benefit public schools. Hoxby found that, "A $1,000 voucher would improve student performance across the board; both public and private school students would increase their educational attainment (about two years), test scores (about 10 percent), and wages (about 14 percent)."

Why would vouchers increase student performance in public schools? Hoxby says that, "public schools that face a disproportionate increase in competition because of the voucher will disproportionately improve their productivity." Even the state Legislative Analyst's Office, in its analysis of the 1998-99 proposed state budget, says that, "the idea of vouchers has sufficient merit that the Legislature should sponsor a [school choice] demonstration program ...."

Los Angeles attorney Manny Klausner, one of the authors of Proposition 174 (the 1993 school-choice initiative), has observed that, "It is simply unrealistic to expect aggressive governmental efforts, such as creating standards, to improve significantly the performance of public schools. Without competitive market pressure, the outlook for public schools is bleak." In other words, until parents and their children can vote with their feet, we are bound to be disappointed with the results of isolated reforms.

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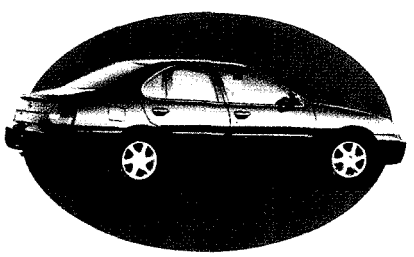

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